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THE CASE

OF

GREAT BRITAIN

AS LAID BEFORE THE

TRIBUNAL OF ARBITRATION,

CONVENED AT GENEVA

UNDER

THE PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES
OF AMERICA AND HER MAJESTY THE QUEEN OF
GREAT BRITAIN, CONCLUDED AT WASHINGTON, MAY 8, 1871.

TRANSMITTED TO

CONGRESS BY THE PRESIDENT OF THE UNITED STATES,
APRIL 24, 1872.

IN THREE VOLUMES.

VOLUME I.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1872.

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EXPLANATORY NOTE.

The figures in brackets in the text indicate the pages of the edition which was laid before the Tribunal of Arbitration at Geneva; the * indicates the word with which each page commences.

The references to pages in the foot-notes refer to the pages in the edition laid before the Tribunal of Arbitration at Geneva, which may be found in this edition by referring to the figures in brackets in the text.

In the table of contents the column of figures under the head of "Geneva edition" refers to the edition which was laid before the Tribunal of Arbitration at Geneva, and the column under the head of "Second edition" refers to this edition.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report from the Secretary of State, with the British case, and papers which accompanied it.

APRIL 24, 1872.—Referred to the Committee on Foreign Affairs.
JUNE 3, 1872.— * * * Ordered that 3,000 extra copies be printed: 1,000 copies of which shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

To the House of Representatives of the United States:

In answer to a resolution of the 22d instant, I transmit to the House of Representatives a report from the Secretary of State, with the British case, and papers which accompanied it.

U. S. GRANT.

WASHINGTON, *April* 24, 1872.

DEPARTMENT OF STATE,
Washington, April 24, 1872.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 22d instant, requesting the President (if not inconsistent with the public interests) to communicate to that House the case presented by the British government under the Washington treaty, with accompanying papers, has the honor to lay before the President the documents called for by the resolution.

Respectfully submitted.

HAMILTON FISH.

The PRESIDENT.

List of accompaniments.

Case presented on the part of the government of Her Britannic Majesty to the tribunal of arbitration at Geneva, constituted under Article I of the treaty of May 8, 1871, between the United States and Her Britannic Majesty.

Appendix to the same, Volumes I, II, III, IV.

CASE

PRESENTED ON THE PART OF THE

GOVERNMENT OF HER BRITANNIC MAJESTY

TO THE

TRIBUNAL OF ARBITRATION,

CONSTITUTED

UNDER ARTICLE I OF THE TREATY CONCLUDED AT WASHINGTON ON
THE 8TH MAY, 1871, BETWEEN HER BRITANNIC MAJESTY
AND THE UNITED STATES OF AMERICA.

GENERAL CONTENTS.

The case now presented to the arbitrators on the part of the government of Her Britannic Majesty comprehends a statement of the facts which that government regards as material to a just adjudication on the claims of the United States, and of some general propositions on which it intends to rely, believing them to be in accordance with the principles of international law and the practice of nations.

THE CONTENTS OF THE CASE ARE AS FOLLOWS:

	Geneva edition.	Second edition.
I. A statement of the matter referred to the arbitrators, as it is understood by Her Britannic Majesty's government, Part I, pages	1–3	7–9
II. An introductory statement of the events which attended and followed the commencement of the civil war in America, and of the course pursued by Great Britain and the other maritime powers in relation to the war, and particularly as to the reception of belligerent vessels of war into their ports and waters, Part II, pages	4–22	11–34
III. A further introductory statement on international rights and duties; on the powers which were possessed by her Britannic Majesty's government of preventing unlawful equipments; and setting forth the manner and circumstances in and under which these powers were exercised during the war, Part III, pages	23–50	36–71
IV. Considerations proper to be kept in view by the arbitrators in entering on the cases of the vessels specifically mentioned in the four following parts, V, VI, VII, and VIII, Part IV, pages	51–52	72–73
V. Statement of facts relative to the Florida, Part V, pages	53–80	74–107
VI. Statement of facts relative to the Alabama, Part VI, pages	81–119	108–153
VII. Statement of facts relative to the Georgia, Part VII, pages	120–135	154–172
VIII. Statement of facts relative to the Shenandoah, Part VIII, pages	136–162	174–205
IX. Recapitulation of the material facts stated in the preceding parts, Part IX, pages	163–165	207–209
X. Remarks in conclusion, Part X, pages	166–168	211–213

THE APPENDIX TO THE CASE CONSISTS OF FOUR VOLUMES, THE CONTENTS OF WHICH ARE AS FOLLOWS:

Vol. I. Correspondence relating to the Florida, Alabama, Georgia, and Shenandoah. (*See vol.* I, *pages* 217 *to* 1002, *of this edition.*)

Vol. II. Correspondence relating to the Sumter, Nashville, Georgiana, Phantom, Southerner, Alexandra, and other vessels respecting which representations were made by the Government of the United States to that of Her Britannic Majesty during the civil war. (*See vol.* II *of this edition.*)

Vol. III. Papers relating to the commencement of the civil war; proclamations and regulations issued by the governments of Great Britain and other countries during that war; the neutrality laws of the United States and of Great Britain; judgments delivered by the British Court of Exchequer and by the Supreme Court of the United States; correspondence between the Government of the United States and the governments of Spain and Portugal relative to the fitting out of privateers in the ports of the first-named country; and the report of the royal commission appointed to inquire into the character, working, and effect of the British laws for the enforcement of neutrality. (*See vol.* III, *pages* 1 *to* 395, *of this edition.*)

Vol. IV. General correspondence on the "Alabama claims," presented to Parliament. (*See vol.* III, *pages* 397 *to* 965, *of this edition.*)

FOR OTHER TABLES OF CONTENTS SEE:

Vol. I, *pages* 219–228, 231–233, 413–418, 653–655, 737–740.

Vol. II, *pages* 3–17, 21–25, 119–121, 171, 183, 189, 213, 233, 265–267, 359–365, 533–535, 613–614, 643, 657, 681, 695, 707–708, 773–775, 827.

Vol. III, *pages* 3–5, 165–166, 237–238, 279, 399, 403, 461, 525, 547, 569, 769, 825, 837, 909, 935.

PART I.

STATEMENT OF THE MATTER REFERRED TO THE ARBITRATORS AS IT IS UNDERSTOOD BY THE GOVERNMENT OF HER BRITANNIC MAJESTY.

PART I.—Introductory statement.

The government of Her Britannic Majesty, in proceeding to state, for the information of the tribunal of arbitration, the facts and arguments which appear material to a just adjudication on the claims to be presented by the Government of the United States, finds it necessary to remark, in the first place, that no definite and complete statement of those claims, with the grounds on which they are founded, has ever been furnished by the latter Government.

A general definition of them is, however, supplied by the terms of the reference to arbitration contained in Articles I to XI of the treaty of Washington, (8th May, 1871,) coupled with the previous correspondence between the two governments.

The parts of the treaty to which Her Britannic Majesty's government particularly refers are the following:

ARTICLE I. Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exist, growing out of the acts committed by the several vessels which have given rise to the claims generically known as the Alabama claims: and whereas Her Britannic Majesty has authorized her High Commissioners and Plenipotentiaries to express in a friendly spirit the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels: now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims, which are not admitted by Her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the Alabama claims, shall be referred to a Tribunal of Arbitration, to be composed of five Arbitrators, to be appointed in the following manner:

* * * * * * *

ARTICLE II. The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of Her Britannic Majesty and the United States respectively. All questions considered by the Tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

* * * * * * *

ARTICLE VI. In deciding the matters submitted to the Arbitrators they shall be governed by the following three rules, which are agreed upon by the High Contracting Parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case:

RULES.

A neutral Government is bound—

First. To use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable grounds to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly. Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly. To exercise due diligence in its own ports or waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules [2] as a statement of *principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees, that in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules. And the High Contracting Parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them.

Article VII. The decision of the Tribunal shall, if possible, be made within three months from the close of the argument on both sides. It shall be made in writing, and dated, and shall be signed by the Arbitrators who may assent to it. The said Tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the Tribunal find that Great Britain has failed to fulfill any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of the United States at Washington within twelve months after the date of the award.

* * * * * * *

Article X. In case the Tribunal finds that Great Britain has failed to fulfill any duty or duties as aforesaid, and does not award a sum in gross, the High Contracting Parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure as to each vessel, according to the extent of such liability as decided by the Arbitrators.

* * * * * * *

Article XI. The High Contracting Parties engage to consider the result of the proceedings of the Tribunal of Arbitration and of the Board of Assessors, should such board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the Tribunal or Board, shall, from and after the conclusion of the proceedings of the Tribunal or Board, be considered and treated as finally settled, barred, and thenceforth inadmissible."

The second of the above "Rules" is understood by Her Majesty's government as prohibiting the use of the ports or waters of the neutral for the renewal or augmentation of military supplies or arms, only when such supplies or arms are for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war, against either belligerent; and as not prohibiting any sale of arms or other military supplies in the ordinary course of commerce; and Her Majesty's government have no reason to believe that it is otherwise understood by the Government of the United States.

The claims, then, which are referred to the tribunal are "claims growing out of the acts of" certain vessels, in respect of which the Government of the United States alleges that Great Britain has failed to fulfill some international duty. The duties specifically mentioned, and to which the attention of the tribunal is directed, are duties to be performed by a "neutral government" as such. As to each vessel separately, the tribunal is to determine whether there has or has not been any failure of duty on the part of Her Majesty's government. If, in the judgment of the tribunal, there has been such a failure in respect of any specified vessel or vessels, the tribunal may adopt, at its discretion, either of two courses. It may, on the one hand, award such a gross sum as the arbitrators may deem just to be paid by Great Britain, in full satisfaction of all well-founded claims on the part of the United States, "growing out of the acts" of the vessel or vessels in respect of which there has been a failure of duty; or, on the other hand, it may content itself with deciding, as to each or any vessel in respect of which there has been a failure of duty, the measure or extent of the liability which on general principles may justly be deemed to have been incurred by such failure. In the event of the second course being chosen, the office of examining and adjudicating on the validity of particular claims "growing out of the acts" of the specified vessel or vessels, and of fixing the sum or sums of money to be paid on account of each, according to the measure of liability laid down by the tribunal, is remitted to a board of assessors, for constituting which provision is made by Article X.

In effect, therefore, the tribunal is called upon to determine whether, in respect of certain vessels not designated by name, the government of Great Britain, as a neutral power, has made default in the performance of any international obligation due from that power to the United States. Should this question be answered in the affirmative, the tribunal is then to form a judgment on the extent of the liability, if any, incurred by the default, and is either to award a gross sum in satisfaction of all just claims, or to define the general limits of the liability as to each vessel for the guidance of the assessors. The claims which may be presented to the tribunal, and to which alone it is to have regard in
[3] *making its award, are claims "growing out of the acts" of the vessels (if any) in respect of which a failure of duty shall be proved.

The vessels to which this inquiry relates are (as has been already remarked) not designated in the treaty by name; they are only indicated by reference to a particular class of claims, to which their "acts" are said to have given rise. These claims are assumed in the treaty to have become familiar to both governments, in the course of the correspondence which has passed between them, under the general title of the "Alabama Claims." They are assumed to form a distinct class, well known, and easily separable from the mass of miscellaneous claims arising from other sources, for which latter a different mode of settlement is provided by Articles XII to XVII of the treaty. The Alabama was a vessel which sailed from the port of Liverpool, under circumstances which will be stated below, and was afterward employed as a cruiser in the naval service of the Confederate States. The phrase "The Alabama claims" is understood by Her Britannic Majesty's government to embrace all claims "growing" (to use the language of the treaty) "out of acts committed by" this vessel, and by other vessels which are alleged to have been procured, like the Alabama, from British ports during the war, and under circumstances more or less similar, and to be confined to such claims. The only vessels in respect of the acts of which claims have been made by the Government of the United States on that of Her Britannic Majesty, either during the civil war or in the six years which have elapsed since its termination, are the Alabama herself, and the vessels formerly known as the Florida, Georgia, and Shenandoah. On one occasion, indeed, since the close of the war, namely, in a dispatch dated 27th August, 1866, and communicated by the minister of the United States to Her Majesty's government, mention was made of a vessel called the Sumter, as one of those in respect of which the Government of the United States conceived itself to have claims against Great Britain. But no claims in respect to the Sumter were in fact included in the detailed list which was inclosed in that dispatch and then presented to Her Britannic Majesty's government, nor have any such claims been presented before or since. Nor is Her Britannic Majesty's government aware of any grounds on which such claims could be made with any show of reason. Her Britannic Majesty's government is, therefore, entitled to assume that the claims referred to the tribunal are claims "growing out of the acts" of the four vessels above named, or of some or one of them.

The circumstances under which these four vessels respectively sailed from British ports, and came into the possession of the government of the Confederate States, and the considerations which the tribunal will be called upon to apply to them respectively, are, as will hereafter be seen, dissimilar in very material respects. Her Britannic Majesty's government, however, maintains that in respect of none of them was there, on its part, any failure in the discharge of international obligations rendering Great Britain justly liable to make reparation to the United States for acts committed by them, or by the persons in whose possession they respectively were, out of the jurisdiction of the British Crown.

For the guidance of the tribunal in adjudicating on the questions submitted to it, three "rules" have been laid down, which, by agreement between the two governments, are to be taken as applicable to the case, and to be reciprocally observed in future by Great Britain and the United States. These rules purport to lay down certain specific obligations incumbent in time of war on neutral powers. By them, and by such principles of international law not inconsistent with them as the tribunal shall determine to have been applicable to the case, the tribunal is to be governed. Her Britannic Majesty's government has declined to give its assent to these rules as a statement of principles of international law which were actually in force at the time when the claims now submitted to arbitration arose. But by Her Britannic Majesty's government, as well as that of the United States, they are believed and intended to be not at variance, but in substantial accord with the general principles of that system by which both powers alike hold themselves bound, which they alike desire to preserve sacred and inviolate, and from the dominion of which neither of them proposes to withdraw the questions that have unhappily arisen between them. Accepting the rules sincerely and without reserve, in the manner expressed in the sixth article of the treaty, Her Britannic Majesty's government will assume (as is, indeed, clearly implied in the terms of that article) that they are to be construed with reference to, and in connection with, that long-established body of international rules and usages which was, and still is, common to Great Britain and the United States with other civilized peoples.

[4] *PART II.

STATEMENT OF EVENTS WHICH ATTENDED AND FOLLOWED THE COMMENCEMENT OF THE CIVIL WAR, AND OF THE COURSE PURSUED IN RELATION TO IT BY GREAT BRITAIN AND OTHER MARITIME POWERS.

PART II.—Introductory statement.

Before approaching the cases of the vessels to which the claims in question are understood to relate, it is necessary to state concisely the previous course of events, and to place clearly before the tribunal the course of conduct which had been pursued during the earlier period of the war by Her Britannic Majesty's government.

GENERAL PROPOSITIONS.

The following propositions are believed by Her Majesty's government to be in accordance with the principles of international law and the practice of nations:

1. It is the duty of a neutral government, in all matters relating to the war, to act impartially toward the belligerent powers; to concede to one what it concedes to the other; to refuse to one what it refuses to the other.

2. This duty, inasmuch as it flows directly from the conception of neutrality, attends the relation of neutrality wherever it exists, and is not affected by considerations arising from the political relation which before the war the belligerents may have sustained to one another.

3. Maritime war being carried on by hostilities on the high seas, and through the instrumentality (ordinarily) of vessels commissioned by public authority, a neutral power is bound to recognize, in matters relating to the war, commissions issued by each belligerent, and captures made by each, to the same extent and under the same conditions as it recognizes commissions issued and captures made by the other.

4. Where either belligerent is a community or body of persons not recognized by the neutral power as constituting a sovereign state, commissions issued by such belligerent are recognized as acts emanating, not indeed from a sovereign government, but from a person or persons exercising *de facto*, in relation to the war, the powers of a sovereign government.

THE CIVIL WAR.

In the year 1861 a civil war broke out in the United States. Seven States—South Carolina, Florida, Mississippi, Alabama, Georgia, Louisiana, and Texas—had one by one formally renounced their allegiance to the Union and declared themselves independent. They had formed themselves into a separate confederation, under the title of the "Confederate States of North America;" had adopted a federal constitution, instituted a federal legislature, executive, and judiciary; taken measures to raise an army of 100,000 men, and appropriated sums of money amounting to $2,029,485 (equal to more than 10,000,000 francs) toward the creation of a navy. This series of events commenced in November, 1860, and was completed before the end of March, 1861, at which time the confederate legislature had been for more than a month in session. In April, 1861, hostilities commenced between the Government of the Union and the Confederate States of the South; and shortly afterward four other States—Virginia, North Carolina, Tennessee, and Arkansas—likewise separated themselves from the Union and joined the confederacy, which thus embraced a vast and compact territory, extending from the river Potomac to the confines of the republic of Mexico.

The war began with the attack and bombardment by the confederates of Fort Sumter, a fort situate at the mouth of Charleston Harbor, and held by a small garrison of United States troops. On the reduction of this place, which was speedily effected, followed within a few days the seizure, by Virginian militia, of Harper's Ferry, an important military arsenal at the confluence of the rivers Shenandoah and Potomac, and of the great naval arsenal and ship-building yards of Norfolk, where the James River discharges itself into Chesapeake Bay. Fort Sumter [5] surrendered on the 13th April. On the 15th the *President of the United States issued a proclamation calling out militia to the number of 75,000 men.[1] On the 17th Mr. Jefferson Davis (who had been elected in February to the office of President of the Confederate States) published a counter-proclamation, inviting applications for letters of marque and reprisal to be granted under the seal of the Confederate States against ships and property of the United States and their citizens.[2] By a further proclamation, dated the 19th April, President Lincoln, after referring to the proposed issue of letters of marque, declared that he had deemed it advisable to set on foot a blockade of the ports within the seven States then in revolt, "in pursuance of the laws of the United States and of the law of nations in such case provided."[3]

> For this purpose a competent force will be posted so as to prevent entrance and exit of vessels from the ports aforesaid. If, therefore, with a view to violate such blockade, a vessel shall approach, or shall attempt to leave any of the said ports, she will be duly warned by the commander of one of the said blockading vessels, who will indorse on her register the fact and date of such warning; and if the same vessel shall again attempt to enter or leave the blockaded port, she will be captured and sent to the nearest convenient port for such proceedings against her and her cargo as prize as may be deemed advisable.

By another proclamation, dated the 27th April,[4] the blockade was declared to be extended to the ports of Northern Virginia.

On the publication of these proclamations, Lord Lyons, then Her Britannic Majesty's envoy at Washington, requested of the Government of the United States that he might be furnished, for the guidance of British merchants, with definite information as to the manner in which the blockade was to be enforced. He was assured, in reply, by Mr. Seward, then United States Secretary of State, that it would be conducted as strictly according to the recognized rules of public law, and with as much liberality toward neutrals, as any blockade ever was by a belligerent.[5]

To the minister of the Queen of Spain, Mr. Seward wrote as follows:[5]

> SIR: In acknowledging the receipt of your note of the 30th ultimo, on the subject of the blockade of the ports in several of the States, I deem it proper to state for your further information:

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[1] Appendix, vol. iii, p. 2.

[2] Ibid., p. 4.

[3] Ibid., p. 6.

[4] Ibid., p. 9.

[5] Ibid., pp. 10, 11.

1. That the blockade will be strictly enforced upon the principles recognized by the law of nations.
2. That armed vessels of neutral states will have the right to enter and depart from the interdicted ports.
3. That merchant-vessels in port at the time the blockade took effect will be allowed a reasonable time for departure.

I avail, &c.,
(Signed) W. H. SEWARD.

The blockade declared by the foregoing proclamations was actually instituted, as to the ports within the State of Virginia, on the 30th April;[1] and was extended to the principal ports on the seaboard of the other Confederate States before the end of May. A considerable number of neutral ships and cargoes were captured for breaches or alleged breaches of blockade, some at or near the mouths of blockaded ports, others on the high seas. Vessels or cargoes so captured were carried before, and condemned by, courts of the United States exercising jurisdiction in matters of prize; and the validity of the sentences thus pronounced was upheld by the Supreme Court of the United States, which is the highest court of appeal in such matters. Mr. Justice Grier, in delivering the judgment of the court on this question, said:

> To legitimate the capture of a neutral vessel or property on the high seas, a war must exist *de facto*, and the neutral must have a knowledge or notice of the intention of one of the parties belligerent to use this mode of coercion against a port, city, or territory in possession of the other.

In a subsequent part of the same judgment he added:

> Whether the President, in fulfilling his duties as commander-in-chief in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided by him; and this court must be governed by the decisions and acts of the political department of the Government to which this power was intrusted. He must determine what degree of force the crisis demands. The proclamation of the blockade is itself official and conclusive evidence to the court that a state of war existed which demanded and authorized a recourse to such a measure under the circumstances peculiar to the case. The correspondence of Lord Lyons with the Secretary of State admits the fact, and concludes the question.

[6] *On the 3d May, 1861, President Lincoln directed that the naval force of the United States should be increased by the enlistment of 18,000 additional seamen, and their land forces by fifty additional regiments, partly of regular troops and partly of volunteers, with an aggregate maximum of 64,748 men.

It is needless to refer particularly to the subsequent history of the war waged on the American continent. It is well known that the forces of the United States, attempting to penetrate into Virginia, encountered a severe defeat; that great armies were raised on both sides; that hostilities were carried on over an immense area, with varying fortune, for nearly four years; and that the contest terminated, in 1865, in the complete reconquest of the eleven Confederated States, which, after being held for a considerable time under military control, were finally re-admitted to their original position in the Union.

The events stated above are matters of general notoriety, recorded in the history of the period.

On the 30th April, 1861, Mr. Jefferson Davis, as President of the Confederated States, addressed to the congress of those States a message, which contained the following passage:

> The operations of the navy department have been necessarily restricted by the fact that sufficient time has not yet elapsed for the purchase or construction of more than

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[1] Appendix, vol. iii, p. 10.

a limited number of vessels adapted for the public service. Two vessels have been prepared and manned, the Sumter and McRae, and are now being prepared for sea at New Orleans with all possible dispatch.

On the 1st May, 1861, Mr. Seward, Secretary of State of the United States, addressed to the British Minister at Washington a dispatch of that date, which contained the following passage:[1]

> The so-called Confederate States have waged an insurrectionary war against this Government. They are buying, and even seizing, vessels in several places for the purpose of furnishing themselves with a naval force, and they are issuing letters of marque to privateers to be employed in preying on the commerce of this country. You are aware that the President has proclaimed a blockade of the ports included within the insurgent States. All these circumstances are known to the world.

On the 6th May, 1861, the congress of the Confederate States passed an act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes, and prize-goods."[2] The first section of this act was as follows:

> The congress of the Confederate States of America do enact that the president of the Confederate States is hereby authorized to use the whole land and naval force of the Confenerate States to meet the war thus commenced, and to issue to private vessels commissions or letters of marque and general reprisal, in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods, and effects of the United States, and of the citizens or inhabitants of the States and territories thereof; provided, however, that property of the enemy (unless it be contraband of war) laden on board a neutral vessel, shall not be subject to seizure under this act; and provided further, that vessels of the citizens or inhabitants of the United States now in the ports of the Confederate States, except such as have been since the 5th April last, or may hereafter be in the service of the Government of the United States, shall be allowed thirty days after the publication of this act to leave said ports and reach their destination; and such vessels and their cargoes, excepting articles contraband of war, shall not be subject to capture under this act during said period, unless they shall have previously reached the destination for which they were bound on leaving said ports.

The act then proceeded to lay down in detail regulations as to the conditions on which letters of marque should be granted to private vessels, and the conduct and behavior of the officers and crews of such vessels, and the disposal of prizes made by them, similar to the regulations which have been ordinarily prescribed and enforced with respect to privateers in the United States and by the maritime powers of Europe.

The fourth and seventh sections were as follows:

> 4. That, before any commission or letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof for the time being, shall give bond to the Confederate States, with at least two responsible sureties not interested in such vessel, in the penal sum of $5,000, or, if such vessel be provided with more than 150 men, then in the penal sum of $10,000, with condition that the owners, officers, and crew who shall be employed on board such commissioned vessel shall and will observe the laws of the Confederate States, and the instructions which shall be given them according to law for the regulation of their conduct, and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof by such vessel during her commission, and to deliver up the same when revoked by the president of the Confederate States.
>
> 7. That before breaking bulk of any vessel which shall be captured as aforesaid, or disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel,* goods, or effects, shall be brought into some port of the [7] Confederate States, or of a nation or State in amity with the Confederate States, and shall be proceeded against before a competent tribunal; and after condemnation and forfeiture thereof shall belong to the owners, officers, and crew of the vessel capturing the same, and be distributed as before provided; and in the case of all captured vessels, goods, and effects which shall be brought within the jurisdiction of the Confed-

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[1] Appendix, vol. iii, p. 12.

[2] Ibid., p. 13.

erate States, the district courts of the Confederate States shall have exclusive original cognizance thereof, as the civil causes of admiralty and maritime jurisdiction; and the said courts, or the courts being courts of the Confederate States into which such cases shall be removed, in which they shall be finally decided, shall and may decree restitution in whole or in part, when the capture shall have been made without just cause. And, if made without probable cause, may order and decree damages and costs to the party injured, for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

A further act, entitled "An act regulating the sale of prizes and the distribution thereof," was likewise passed by the congress of the Confederate States on the 14th of May, 1861.[1]

Many persons who had served as officers in the Navy of the United States offered themselves for employment in the naval service of the Confederate States, and those for whom employment could be found were received and employed in such service.

In and soon after the month of May, 1861, a number of armed ships, mostly of small tonnage, were fitted out in and sent to sea from ports in the Confederate States, and a considerable number of captures were made by them. Some of these were commissioned as public ships of war of the Confederates States, and commanded by officers in the naval service of the confederacy; others as private ships of war or privateers. Among the armed vessels which were so fitted out and made prizes were the Calhoun, a steamer of upwards of 1,000 tons, sent to sea in May, 1861; the Jeff Davis, Savannah, St. Nicholas, Winslow, and York. More than twenty prizes were made by these vessels. The Sumter (to which reference will be made hereafter) went to sea in June, 1861; the Sallie and Nashville in October, 1861; the Echo in 1862; the Retribution and Boston, 1863; the Chickamauga, Olustee, and Tallahassee, in 1864. These vessels are said to have taken from sixty to seventy prizes.

It appears from an official report of the Secretary of the Navy of the United States that the number of vessels captured and destroyed by vessels of the United States during the war, for breach of blockade or in battle, exceeded 1,200.

NEUTRALITY OF THE MARITIME POWERS.

The maritime powers, on receiving information of the outbreak of the war, resolved to maintain a strict and impartial neutrality in their relations with the belligerents, holding that it did not belong to them, as Governments, to decide on the questions which had unhappily divided the American people, nor to take any part in the contest on which the future of the American Commonwealth appeared to depend.

Of all the nations of the world, Great Britain, by reason of her geographical position, the activity of her manufacturing and trading industries, her vast commerce with America, the extent and number of her transatlantic possessions, the magnitude of her military and commercial marine, and its dispersion, not only over the seas bordering on the American coast but over every part of the world, was the power most immediately and profoundly affected by a civil war in the United States. The European power which, after Great Britain, possessed the largest marine was France.

On the 14th of May, 1861, Her Britannic Majesty's government issued the following proclamation, intended for the information of the officers of the government and of British subjects in general:[2]

VICTORIA R.

Whereas we are happily at peace with all sovereigns, powers, and states;

And whereas hostilities have unhappily commenced between the Government of the

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[1] Appendix, vol. iii, p. 15.

[2] Ibid., p. 17.

United States of America and certain States styling themselves the Confederate States of America;

And whereas we, being at peace with the Government of the United States, have declared our royal determination to maintain a strict and impartial neutrality in the contest between the said contending parties;

We therefore have thought fit, by and with the advice of our privy council, to issue this our royal proclamation.

And we do hereby strictly charge and command all our loving subjects to observe a strict neutrality in and during the aforesaid hostilities, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril.

And whereas in and by a certain statute made and passed in the fifty-ninth year of His Majesty King George III, entitled "An act to prevent enlisting or engagement [8] of His Majesty's subjects *to serve in a foreign service, and the fitting out or equipping, in His Majesty's dominions, vessels for warlike purposes, without His Majesty's license, it is among other things declared and enacted as follows:

"That if any natural-born subject of His Majesty, his heirs, and successors, without the leave or license of His Majesty, his heirs, or successors, for that purpose first had and obtained, under the sign manual of His Majesty, his heirs, or successors, or signified by order in council, or by proclamation of His Majesty, his heirs, or successors, shall take or accept, or shall agree to take or accept, any military commission, or shall otherwise enter into the military service as a commissioned or non-commissioned officer, or shall enlist or enter himself to enlist, or shall agree to enlist or to enter himself to serve as a soldier, or to be employed or shall serve in any warlike or military operation in the service of, or for, or under, or in aid of any foreign prince, state, potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people, either as an officer or soldier, or in any other military capacity; or if any natural-born subject of His Majesty shall, without such leave or license as aforesaid, accept, or agree to take or accept, any commission, warrant, or appointment as an officer, or shall enlist or enter himself, or shall agree to enlist or enter himself, to serve as a sailor or marine, or to be employed, or engaged, or shall serve in and on board any ship or vessel of war, or in and on board any ship or vessel used or fitted out, or equipped or intended to be used, for any warlike purpose, in the service of, or for, or under, or in aid of any foreign power, prince, state, potentate, colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people; or if any natural-born subject of His Majesty shall, without such leave and license as aforesaid, engage, contract, or agree to go, or shall go, to any foreign state, country, colony, province, or part of any province, or to any place beyond the seas, with an intent or in order to enlist or enter himself to serve, or with intent to serve in any warlike or military operation whatever, whether by land or by sea, in the service of, or for, or under, or in aid of any foreign prince, state, potentate, colony, province, or part of any province or people, or in the service of, or for, or under, or in aid of any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people, either as an officer or a soldier, or in any other military capacity, or as an officer or sailor or marine in any such ship or vessel as aforesaid, although no enlisting money or pay or reward shall have been or shall be in any or either of the cases aforesaid actually paid to or received by him, or by any person to or for his use or benefit; or if any person whatever, within the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's dominions elsewhere, or in any country, colony, settlement, island, or place belonging to or subject to His Majesty, shall hire, retain, engage, or procure, or shall attempt or endeavor to hire, retain, engage, or procure, any person or persons whatever to enlist, or to enter or engage to enlist, or to serve or to be employed in any such service or employments as aforesaid, as an officer, soldier, sailor, or marine, either in land or sea service, for, or under, or in aid of any foreign prince, state, potentate, colony, province, or part of any province or people, or for, or under, or in aid of any person or persons exercising or assuming to exercise any powers of government as aforesaid, or to go, or to agree to go, or embark from any part of His Majesty's dominions, for the purpose or with intent to be so enlisted, entered, engaged, or employed as aforesaid, whether any enlisting money, pay, or reward shall have been or shall be actually given or received, or not; in any or either of such cases, every person so offending shall be deemed guilty of a misdemeanor, and upon being convicted thereof, upon any information or indictment, shall be punishable by fine and imprisonment, or either of them, at the discretion of the court before which such offender shall be convicted."

And it is in and by the said act further enacted:

"That if any person within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, shall, without the leave and license of His Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming, of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise any powers of government in or over any foreign state, colony, province, or part of any province or people, as a transport or store-ship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state or potentate, or against the persons exercising or assuming to exercise the powers of, government in any colony, province, or part of any province or country, or against the inhabitants of any foreign country, province, or part of any province or country, with whom His Majesty shall not then be at war; or shall, within the United Kingdom, or any of His Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to His Majesty, issue or deliver any commission for any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof upon any information or indictment, be punishable by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for and officer of His Majesty's customs or excise, or any officer of His Majesty's navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade and navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of His Majesty's customs or excise and the officers of His Majesty's navy are empowered [9] respectively to make seizures under the laws of customs *and excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation."

And it is in and by the said act further enacted:

"That if any person in any part of the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's dominions beyond the seas, without the leave and license of His Majesty for that purpose first had and obtained as aforesaid, shall, by adding to the number of guns of such vessel, or by changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting, the warlike force of any ship or vessel of war, or cruiser, or other armed vessels which at the time of her arrival in any part of the United Kingdom, or any of His Majesty's dominions, was a ship of war, cruiser, or armed vessel in the service of any foreign prince, state, or potentate, or of any person or persons exercising or assuming to exercise any powers of government in or over any colony, province, or part of any province or people belonging to the subjects of any such prince, state, or potentate, or to the inhabitants of any colony, province, or part of any province or country under the control of any person or persons so exercising or assuming to exercise the powers of government, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon being convicted thereof upon any information or indictment, be punishable by fine and imprisonment, or either of them, at the discretion of the court before which such offender shall be convicted."

Now, in order that none of our subjects may unwarily render themselves liable to the penalties imposed by the said statute, we do hereby strictly command, that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said statute, upon pain of the several penalties by the said statute imposed, and of our high displeasure.

And we do hereby further warn all our loving subjects, and persons whatsoever entitled to our protection, that if any of them shall presume, in contempt of this our royal proclamation, and of our high displeasure, to do any acts in derogation of their duty as subjects of a neutral sovereign in the said contest, or in violation or contravention of the law of nations in that behalf; as, for example, and more especially, by entering into the military service of either of the said contending parties as commissioned or non-commissioned officers or soldiers; or by serving as officers, sailors, or marines on board any ship or vessel of war or transport of, or in the service of, either of the said contending parties; or by serving as officers, sailors, or marines on board any privateer bearing letters of marque of or from either of the said contending parties; or by engaging to go or going to any place beyond the seas with intent to enlist or engage in any such service, or by procuring or attempting to procure, within Her Majesty's dominions at home or abroad, others to do so; or by fitting out, arming, or equipping any ship or vessel to be employed as a ship of war or privateer or transport by either of the said contending parties; or by breaking or endeavoring to break any blockade lawfully and actually established by or on behalf of either of the said contending parties; or by carrying officers, soldiers, dispatches, arms, military stores, or materials, or any article or articles considered and deemed to be contraband of war, according to the law of modern usage of nations, for the use or service of either of the said contending parties, all persons so offending will incur and be liable to the several penalties and penal consequences by the said statute or by the law of nations in that behalf imposed or denounced.

And we do hereby declare, that all our subjects, and persons entitled to our protection, who may misconduct themselves in the premises, will do so at their peril and of their own wrong, and that they will in nowise obtain any protection from us against any liabilities or penal consequences, but will, on the contrary, incur our high displeasure by such misconduct.

Given at our court at the White Lodge, Richmond Park, this 13th day of May, in the year of our Lord 1861, and in the 24th of our reign.

This proclamation was published fourteen days after the receipt in London of the news that Fort Sumter had been reduced by bombardment, that the President of the United States had called out 75,000 men, and that Mr. Jefferson Davis had taken measures for issuing letters of marque;[1] twelve days after receipt of intelligence that President Lincoln had published a proclamation of blockade;[2] nine days after a copy of that proclamation had been received from Her Britannic Majesty's consul at New York;[3] and three days after the same proclamation had been officially communicated to Her Majesty's secretary of state for foreign affairs by the United States minister, Mr. Dallas.[4]

On the 1st June, 1861, Her Britannic Majesty's government issued orders by which the armed ships of both belligerents, whether public ships of war or privateers, were interdicted from carrying prizes made by them into the ports, harbors, roadsteads, or waters of the United Kingdom, or of any of Her Majesty's colonies or possessions abroad.[5]

The government of the Confederate States remonstrated warmly against these orders, as practically unequal in their operation, and unduly disadvantageous to the belligerent whose ports were blockaded. The Secretary of State of the United States expressed his satisfaction with them, as likely to "prove a death-blow to southern privateering."

[10] *These orders were strictly enforced throughout the whole period of the war, and no armed vessel was suffered to bring prizes into any British port.

On the 10th June, 1861, the government of the Emperor of the French issued a declaration, which was as follows:[6]

PARIS, *le* 10 *juin*, 1861.

Le ministre des affaires étrangères a soumis à l'empereur la déclaration suivante, que sa majesté a revêtue de son approbation:

DÉCLARATION.

Sa majesté l'empereur des Français, prenant en considération l'état de paix qui existe entre la France et les États-Unis d'Amérique, a résolu de maintenir une stricte neutralité dans la lutte engagée entre le gouvernement de l'union et les états qui prétendent former une confédération particulière.

En conséquence, sa majesté, vu l'article 14 de l'ordonnance da la marine du mois d'Août, 1861, l'article 3 de la loi du 10 Avril, 1825, les articles 84 et 85 du code pénal,

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[1] Appendix, vol. iii, pp. 2 and 3.

[2] "Times" and "Daily News" of May 2, 1861.

[3] Appendix, vol. iii, p. 4.

[4] Ibid., p. 7.

[5] Ibid., p. 18.

[6] Ibid., p. 22.

65 et suivants du décret du 24 Mars, 1852, 313 et suivants du code pénal maritime, et l'article 21 du code Napoléon;

Déclare:

1. Il ne sera permis à aucun navire de guerre ou corsaire de l'un ou l'autre des belligérants d'entrer et de séjourner avec des prises dans nos ports ou rades pendant plus de vingt-quatre heures, hors le cas de relâche forcée.

2. Aucune vente d'objets provenant de prises ne pourra avoir lieu dans nos dits ports ou rades.

3. Il est interdit à tout Français de prendre commission de l'une des deux parties pour armer des vaisseaux en guerre, ou d'accepter des lettres de marque pour faire la course maritime, ou de concourir d'une manière quelconque à l'équipement ou l'armement d'un navire de guerre ou corsaire de l'une des deux parties.

4. Il est également interdit à tout Français, résidant en France ou à l'étranger, de s'enrôler ou préndre du service, soit dans l'armée de terre, soit à bord des bâtiments de guerre ou des corsaires de l'un ou de l'autre des belligérants.

5. Les Français résidant en France ou à l'étranger devront également s'abstenir de tout fait qui, commis en violation des lois de l'empire ou du droit des gens, pourrait être considéré comme un acte hostile à l'une des deux parties, et contraire à la neutralité que nous avons résolu d'observer.

Les contrevenants aux défenses et recommendation contenues dans la présente déclaration seront poursuivis, s'il y a lieu, conformément aux dispositions de la loi du 10 Avril, 1825, et aux articles 84 et 85 du code pénal, sans préjudice de l'application qu'il pourrait y avoir lieu de faire aux dits contrevenants des dispositions de l'article 21 du code Napoléon, et des article 65 et suivants du décret du 24 Mars, 1825, sur la marine marchande, 313 et suivants du code pénal pour l'armée de mer.

Sa majesté déclare, en outre, que tout Français qui ne se sera pas conformé aux présentes préscriptions ne pourra prétendre à aucune protection de son gouvernement contre les actes ou mesures, quels qu'ils soient, que les belligérants pourraient exercer ou décréter.

NAPOLÉON.

Le ministre des affaires étrangères,
E. THOUVENEL.

A decree, of which a translation is subjoined, was on the 17th June, 1861, issued by the government of the Queen of Spain:[1]

[Translation.]

PALACE, *June* 17, 1861.

Taking into consideration the relations which exist between Spain and the United States of America, and the desirability that the reciprocal sentiments of good understanding shall not be changed by reason of the grave events which have taken place in that republic, I have resolved to maintain the most strict neutrality in the contest begun between the Federal States of the Union and the States federated at the South; and in order to avoid the damage which might accrue to my subjects and to navigation and commerce, from the want of clear provisions to which to adjust their conduct, I do decree the following:

ARTICLE 1. It is forbidden in all the ports of the monarchy to arm, provide, or equip any privateer vessel, whatever may be the flag she displays.

ART. 2. It is forbidden in like manner to the owners, masters, or captains of merchant-vessels to accept letters of marque, or contribute in any way whatsoever to the armament or equipment of vessels of war or privateers.

ART. 3. It is forbidden to vessels of war or privateers with their prizes, to enter or to remain for more than twenty-four hours in the ports of the monarchy, except in case of stress of weather. Whenever this last shall occur, the authorities will keep watch over the vessel, and oblige her to go out to sea as soon as possible without permitting her to take in any stores except those strictly necessary for the moment, but in no case arms nor supplies for war.

ART. 4. Articles proceeding from prizes shall not be sold in the ports of the monarchy.

ART. 5. The transportation under the Spanish flag of all articles of commerce is guaranteed, except when they are directed to blockaded ports. The transportation of effects of war is forbidden, as well as the carrying of papers or communications for belligerents. Transgressors shall be responsible for their acts, and shall have no right to the protection of my Government.

ART. 6. It is forbidden to all Spaniards to enlist in the belligerent armies, or take service on board of vessels of war or privateers.

[11] *ART. 7. My subjects will abstain from every act which, in violation of the laws of the kingdom, can be considered as contrary to neutrality.

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[1] Appendix, vol. iii, p. 22.

ART. 8. Those who violate the foregoing provisions shall have no right to the protection of my Government, shall suffer the consequences of the measures which the belligerents may dictate, and shall be punished according to the laws of Spain.

SIGNED WITH THE ROYAL HAND.

The Minister of State,
SATURNINO CALDERON COLLANTES.

The following public notifications were, previously to the 16th June, 1861, issued by the government of the King of the Netherlands:[1]

[Translation.]

THE HAGUE.

In obedience to the King's orders, the ministers for foreign affairs, of justice, and of the marine, present to the knowledge of all whom it may concern, that to guard against probable difficulties during the doubtful complications in the United States of North America, no privateers under any flag, or provided with any commission or letters of marque, or their prizes, shall be admitted into our havens or sea-ports, unless in case of distress, and that requisite orders be issued that under any circumstances such privateers and their prizes be required to go to sea again as speedily as possible.

The ministers above named.

[Translation.]

THE HAGUE.

The minister for foreign affairs and the minister of justice, by the King's authority, warn, by these presents, all inhabitants of the kingdom, that during the existing disturbances in the United States of America they in nowise take part in privateering, because the Netherlands government has acceded to the declaration upon maritime rights set forth by the Paris conference of 1856, whereby, among other matters, privateering is abolished, and no recognition of commissions obtained for letters of marque is permitted. Also that commissions and letters of marque, in conflict with the aforesaid prohibition, which may be issued to inhabitants of the Netherlands, cannot have legal effect in behalf of the King's subjects, or of any abroad who are in subjection to the laws of the kingdom. Those who, under such circumstances, engage in privateering or lend their aid in it to others, will be considered as pirates, and prosecuted according to law in the Netherlands, and subjected to the punishment provided for the commission of such offenses.

The ministers above named.

[Translation.]

THE HAGUE, *June*, 1861.

The minister for foreign affairs, apprised by a communication from the minister of marine that the King had authorized the naval force in the West Indies to be seasonably strengthened by His Majesty's steam-frigate Zealand and the screw-propellers Dyambi and Vesuvius, for the purpose of giving protection to the trade and navigation of the Netherlands during the contest which seems to be in existence in the United States of North America, wherever it may be desired, accordingly esteems it to be his duty to direct the attention of shipmasters, consignees, and freighters to the peril to which their insurance against loss will be exposed by any violation of the obligations imposed on neutral powers to respect actual blockades, and not to carry contraband of war, or dispatches of belligerents.

In these cases they will be subject to all the resulting losses that may follow, without the benefit of any protection or intervention on the part of His Majesty's government. Of which take notice.

The minister above named.

The government of the Emperor of Brazil issued the following circular, addressed to the presidents of provinces within the Brazilian Empire:[2]

Circular to the presidents of provinces.

[Translation.]

RIO DE JANEIRO, MINISTRY OF FOREIGN AFFAIRS,
August 1, 1861.

ILLUSTRIOUS AND EXCELLENT SIR: The strife that has broken out between the Federal Government of the United States of North America and some of those States which have declared themselves constituted as a separate confederation, may produce questions for our country, for the solution of which it is important that your excellency should be prepared; and I have, therefore, received orders from His Majesty the Emperor to declare to your excellency that the imperial government considers that it ought to maintain itself in the most strict neutrality during the war in which those States are unhappily engaged; and in order that neutrality may be preserved, it is fitting that the following determinations be observed:

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[1] Appendix, vol. iii, p. 27.

[2] Ibid., p. 24.

The Confederate States have no recognized existence; but, having constituted a distinct government *de facto*, the imperial government cannot consider their naval armaments as acts of piracy, nor refuse them, with the necessary restrictions, the character of belligerents which they have assumed.

In conformity with this, Brazilian subjects are to abstain from all participation and aid in favor of one of the belligerents, and they must not take part in any acts which can be considered as hostile to one of the two parties, and contrary to the obligations of the neutrality.

The exportation of warlike articles from the ports of the empire for the new Confederate States is absolutely prohibited, whether it is intended to be done under the Brazilian flag or that of another nation.

[12] *The same trade in contraband of war must be forbidden to Brazilian ships, although they may be destined for the ports subject to the government of the North American Union.

No ship with the flag of one of the belligerents, and which may be employed in this war, or intended for it, can be provisioned, equipped, or armed in the ports of the empire; the furnishing of victuals and naval provisions indispensable for the continuation of the voyage not being included in this prohibition.

No ship of war or cruiser shall be allowed to enter and remain with prizes in our ports or bays more than twenty-four hours, except in case of forced arrival, and they shall in no way be allowed to dispose of the said prizes, or of objects coming from them.

In the execution of these measures, and in the solution of the questions which may arise, your excellency will be guided by the principles of international law, keeping in mind the instructions issued by this ministry on the 18th of May, 1854, retaining the purport of the circular of the 30th of July, 1859, relative to the United States at strife with the Confederate States; and you will communicate to the imperial government any difficulties or extraordinary occurrences that require fresh instructions.

I repeat, &c.

BENVENUTO AUGUSTO DE MAGALHAES TAQUES.

To his Excellency the PRESIDENT *of the Province of* ———.

Declarations, decrees, or notifications were likewise issued by other maritime powers.

THE SUMTER.

Of the armed ships sent to sea by the Confederate States during the first year of the war, two only, the Sumter and Nashville, entered any port belonging to a European power. It is necessary to state briefly the circumstances which occurred in relation to these vessels.

The Sumter was a steam-ship which had been purchased by the navy department of the government of the Confederate States, was commissioned as a public ship of war in the service of those States, and was commanded by an officer who had previously held a commission in the Navy of the United States. It appears from the message of Mr. Jefferson Davis, dated 29th April, 1861, and hereinbefore referred to, that she had at that date been purchased and manned, and was being actively prepared for sea. She sailed from the Mississippi River on the 30th June, 1861, cruised for six months, and captured seventeen prizes.

In the course of this cruise she entered (in the order herein named) ports within the dominions of the following sovereigns and States, namely, the Queen of Spain, the King of the Netherlands, the republic of Venezuela, the Queen of Great Britain, the Emperor of Brazil, and the Emperor of the French. She obtained coal and supplies in the ports of Cienfuegos, Curaçoa, Paramaribo, Trinidad, and Martinique successively.

At the time of her arrival at Cienfuegos she had with her six prizes, captured since her departure from New Orleans, and these she left behind her in harbor when she sailed. The Government of the United States complained to the Spanish government of the admission of the Sumter into port, and of her having been permitted to take in coal and water; and demanded that the prizes should be released, on the ground that the capturing vessel was a pirate. The Spanish government did not assent to the demand that the Sumter should be treated as a pirate; but the prizes which she had left in port were set at liberty by order of the captain-general of the island, on the ground that they were proved, on examination, to have been captured within the territorial waters of Cuba under unlawful circumstances.

The Sumter approached the port of St. Anne's, Curaçoa, on the 15th July, hoisted the flag of the Confederate States, and requested permission to enter. The governor of the island withheld this permission until assured that she was not a privateer, the regulations issued by the government of the Netherlands prohibiting the admission of privateers unless in case of distress, but granted it upon receiving from her commander a declaration in writing that the "Sumter was a ship of war duly commissioned by the government of the Confederate States." In accepting this declaration as sufficient, without further proof, he acted upon the unanimous advice of his colonial council. The Sumter remained eight days in port, and took in coal.

With reference to these facts the Government of the United States, on the 15th of August, 1861, addressed to the government of the Netherlands a complaint and a demand for reparation.[1] The latter government answered that it had faithfully fulfilled its duty as a neutral power, and would continue to adhere to it in future. In the dispatch conveying this answer the following propositions (among others) were laid down and affirmed by the government of the Netherlands:[2]

[13] *1. According to the principles of the laws of nations, all nations, without exception, may admit vessels of war belonging to a belligerent state to their ports, and accord to them all the favors which constitute an asylum.

2. As evidence that the Sumter was not a privateer, the governor of Curaçoa was bound to be satisfied with the word of her commander given in writing, and had no right to demand further proofs.

3. The Sumter was not, however, in fact a privateer, not being the property of private owners. She was a ship of war.

4. It cannot be admitted that all vessels carrying the confederate flag should, as contended by the Government of the United States, be considered as privateers; because the principles of the law of nations, as well as the examples of history, require that the rights of war should be accorded to those states.

5. Much less can these vessels be regarded as pirates, or "engaged," in the words of the American Secretary of State, "in a piratical expedition against the commerce of the United States." This would be incompatible with neutrality.

Adhering to these principles the government of the Netherlands recognized, at the same time, that it is the duty of a neutral state to take care that vessels of the belligerent parties commit no act of hostility within the limits of its territory, and do not keep watch in the ports of its dominion to attack from them vessels of the enemy; and it informed the Government of the United States that instructions on this head would be sent to the governors of the King's colonial possessions.

Subsequently to this correspondence, and on the 19th of August, 1861, the Sumter was admitted into the port of Paramaribo, in Dutch Guiana, and coaled there, remaining in port eleven days.[1]

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[1] Appendix, vol. ii, p. 725.

[2] Ibid., p. 730.

The government of the Netherlands shortly afterwards issued orders to the authorities in its colonial possessions to the effect that no vessel of either belligerent should be allowed to take in more coal than would be sufficient for twenty-four hours' consumption, or to remain in port during a longer period than forty-eight hours.[2]

Before arriving at Paramaribo the Sumter had visited Puerto Cabello, in Venezuela, and the British island of Trinidad. She remained in port, at the latter place, during six days, and purchased from private merchants coal and provisions. Her commander had applied for permission to purchase coal from the government stores; but this had been refused by the governor.

With reference to these facts the subjoined correspondence passed between the Government of the United States, through its minister in London (Mr. Adams) and the government of Her Britannic Majesty:[3]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES, *September* 30, 1861.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, regrets to be obliged to inform the right honorable Earl Russell, Her Majesty's principal secretary of state for foreign affairs, that he has been instructed by the President of the United States to prefer a complaint against the authorities of the Island of Trinidad for a violation of Her Majesty's proclamation of neutrality, by giving aid and encouragement to the insurgents of the United States. It appears by an extract from a letter received at the Department of State from a gentleman believed to be worthy of credit, a resident of Trinidad, Mr. Francis Bernard, a copy of which is submitted herewith, that a steam-vessel known as an armed insurgent privateer, called the Sumter, was received on the 30th of July last at that port, and was permitted to remain for six days, during which time she was not only furnished with all necessary supplies for the continuance of her cruise under the sanction of the attorney-general, but that Her Majesty's flag was actually hoisted on the government flag-staff in acknowledgment of her arrival.

The undersigned has been directed by his Government to bring this extraordinary proceeding to the attention of Lord Russell, and, in case it shall not be satisfactorily explained, to ask for the adoption of such measures as shall insure, on the part of the authorities of the island, the prevention of all occurrences of the kind during the continuance of the difficulties in America.

The undersigned deems it proper to add, in explanation of the absence of any official representation from Trinidad to substantiate the present complaint, that there was no consul of the United States there at the time of the arrival of the vessel. The undersigned had the honor, a few days since, to apprise Lord Russell of the fact that this deficiency had been since supplied by preferring an application for Her Majesty's *exequatur* for a new consul, who is already on his way to occupy his post.

The undersigned, &c.

(Signed) CHARLES FRANCIS ADAMS.

[14] *[Inclosure.]

Mr. Bernard to Mr. Seward.

[Extract.]

TRINIDAD, *August* 7, 1861.

SIR: I beg to inform you that on the 30th ultimo a steam sloop of war (Semmes commander) carrying a secession flag, five guns, some of a large caliber, and a crew of from 120 to 150 men, sailed boldly into our harbor, and reported herself to the authorities of this island as being on a cruise. She was last from Puerto Cabello; and since she succeeded in getting out of the Mississippi River she has already captured no less than eleven American vessels. I have ascertained the names of some of them, viz: the Joseph Maxwell, Abe Bradford, Minnie Miller, West Wind, of Westerly, with a cargo of sugar from Havana, and Golden Rocket, which was burnt by her off the coast of Cuba.

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[1] Appendix, vol. ii, p. 734.

[2] Ibid., p. 737.

[3] Ibid., p. 3.

The Sumter landed eight of her prisoners here in a destitute condition; but a contribution has been raised here for their benefit, sufficient to supply their immediate wants, and I will take care that they are provided for until an opportunity offers to ship them to the States.

The Sumter remained here till the 5th instant, and was allowed to supply herself with coals and other necessary outfits. The British flag was hoisted on the government flag-staff for her arrival, and the officers of the British war-vessel Cadmus appeared to be on amicable terms with those of the Sumter. The merchant who supplied the Sumter with coals did it with the consent and approval of our attorney-general.

Being a loyal American, I consider it my duty to send you these informations, as there has been no consul of our nation in this island for many months.

I am, &c.,
(Signed) FRANCIS BERNARD.

Earl Russell to Mr. Adams.[1]

FOREIGN OFFICE, *October* 4, 1861.

The undersigned, Her Majesty's principal secretary of state for foreign affairs, has had the honor to receive a complaint from Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States at this court, against the authorities of the Island of Trinidad for a violation of Her Majesty's proclamation of neutrality, by giving aid and encouragement to the insurgents of the United States.

It appears, from the accounts received at the Colonial Office and at the Admiralty, that a vessel bearing a secession flag entered the port of Trinidad on the 30th of July last.

Captain Hillyar, of Her Majesty's ship Cadmus, having sent a boat to ascertain her nationality, the commanding officer showed a commission signed by Mr. Jefferson Davis, calling himself the President of the so-styled Confederate States.

The Sumter, which was the vessel in question, was allowed to stay six days at Trinidad, and to supply herself with coals and provisions; and the attorney-general of the island perceived no illegality in these proceedings.

The law officers of the Crown have reported that the conduct of the governor was in conformity to Her Majesty's proclamation.

No mention is made by the governor of his hoisting the British flag on the government flag-staff; and if he did so, it was probably in order to show the national character of the island, and not in acknowledgment of the arrival of the Sumter.

There does not appear, therefore, any reason to believe that her Majesty's proclamation of neutrality has been violated by the governor of Trinidad, or by the commanding officer of Her Majesty's ship Cadmus.

The undersigned, &c.
(Signed) RUSSELL.

The Government of the United States instructed Mr. Adams to inform the government of Great Britain "that the President deeply regrets that Lord Russell is altogether unable to give to our complaint a satisfactory solution." The reason alleged for this expression of dissatisfaction was the same which had been previously rejected by the government of the Netherlands; namely, that the Sumter was a piratical vessel, and that her officers and crew were pirates, and that they ought to be treated as such in foreign ports and waters.

Further communications on the subject subsequently passed between the two governments. These communications are stated in the subjoined dispatches, addressed respectively by Her Britannic Majesty's minister at Washington to Her Majesty's secretary of state for foreign affairs, and by the minister of the United States in London to the Secretary of State of the United States:

Lord Lyons to Earl Russell.

WASHINGTON, *November* 4, 1861.

MY LORD: Mr. Seward spoke to me, the day before yesterday, respecting the admission of the confederate vessel Sumter into British and Dutch ports.

With regard to the Dutch government, Mr. Seward said that he had been obliged to

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[1] Appendix, vol. ii, p. 5.

[15] cause very *serious remonstrances to be addressed to them, but that he had now been informed that they had given orders that the Southern privateers should not be allowed to remain more than twenty-four hours in a Dutch port. It was true, he said, that it had been declared that these orders had not been issued in deference to the representations of the United States Government, but this was immaterial; so long as the privateers were excluded in practice, he did not care to inquire on what ground that was done.

Mr. Seward then mentioned the reception of the Sumter at Trinidad, and alluded to your lordship's note to Mr. Adams of the 4th of October, on the subject. He said he had been obliged to send immediately instructions to Mr. Adams with regard to that note. He did not tell me the nature of those instructions, but he spoke to me of the affair in a tone of complaint, and dwelt especially on the length of time during which the Sumter had been allowed to remain at Trinidad, and on the supplies which she had obtained there. He said that France and, he thought, all the other powers of Europe, refused to allow privaters to remain for more than twenty-four hours in their ports. He could hardly conceive that England wished to stand alone as the only power which admitted the enemies of the United States without restriction into its harbors. He supposed that the matter could hardly have been presented in this light to Her Majesty's government.

I observed to Mr. Seward that I supposed that in this matter each power had looked back to precedents, and taken the course which had been usual with it on similar occasions in former times. In one point the English rule was, I said, more stringent than that of France and many other powers, for armed vessels were not allowed to carry their prizes into British ports for any time, however short.

Mr. Seward did not pursue the conversation. He merely said that he had wished to mention the matter to me in the hope that I might do something toward getting it satisfactorily settled.

I have, &c.,
(Signed) LYONS.

Lord Lyons to Earl Russell.

WASHINGTON, *November* 9, 1861.

MY LORD: With reference to my dispatch of the 4th instant, I have the honor to inform your lordship that this morning Mr. Seward spoke to me again on the subject of the admission of confederate vessels into British ports. He used very nearly the same language on this as on the former occasion. He seemed, however, to wish now to be understood as requesting me positively to suggest to Her Majesty's government to adopt the rule in this respect which had, he said, been adopted by all the other powers of Europe. He seemed to desire to make this suggestion through me, rather than in a more formal manner through the United States minister in London.

I said to Mr. Seward that Great Britain had, I thought, been the first power to place any restriction upon the admission into her ports of the armed vessels of the belligerents in the present war; and that she had no doubt followed the precedents afforded by her own previous conduct in similar cases. I did not make any difficulty about conveying Mr. Seward's suggestion to your lordship, but I did not express any opinion as to the reception it would meet with.

I have, &c.,
(Signed) LYONS.

Mr. Adams to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
London, December 20, 1861.

SIR: * * * * * * I decided to ask a conference of Lord Russell for the purpose of talking over the substance of your communications to me in dispatches No. 136 and No. 137. It was appointed for yesterday at 3 o'clock, when I enjoyed an opportunity for full and frank conversation.

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On the third point his lordship contested the fact as stated in the dispatch. He recapitulated what the government had done as regards the assistance said to have been rendered to privateers in the colonies. Supplies had been refused by the authorities in all cases. Whatever had been obtained had come from purchases of individuals. The only difference that he could find between the action of this government and that of other nations was that the stay of belligerent vessels was confined by the latter to twenty-four hours. As to that, he said that the omission to insert the same provision in the British orders was by no means owing to unfriendliness to the United States.

On the contrary, it was thought that if a government vessel of theirs should put into any port, such as Malta, for example, to stay a short time, it had seemed to them churlish to issue a decree to limit it to a single day. He said he had taken some pains to make inquiries as to the action of other governments, and, so far as he could learn, he found it in other respects substantially the same.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

With the view of preventing the recurrence of similar complaints in future, and also of preventing as far as might be the possibility of any abuse of the asylum granted in British ports (as in those of other neutral powers) to belligerent vessels, the British government on the 31st of January, 1862, issued the subjoined orders, to be observed in all the ports of the United Kingdom and those of Her Majesty's transmarine territories and possessions:

[16] **The secretary of state for foreign affairs to the lords commissioners of the admiralty.*[1]

FOREIGN OFFICE, *January* 31, 1862.

MY LORDS: Her Majesty being fully determined to observe the duties of neutrality during the existing hostilities between the United States and the States calling themselves "the Confederate States of America," and being, moreover, resolved to prevent, as far as possible, the use of Her Majesty's harbors, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your lordships, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom and in the Channel Islands on and after Thursday, the 6th day of February next, and in Her Majesty's territories and possessions beyond the seas six days after the day when the governor or other chief authority of each of such territories or possessions, respectively, shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

I. During the continuance of the present hostilities between the Government of the United States of North America and the States calling themselves "the Confederate States of America," or until Her Majesty shall otherwise order, no ship of war or privateer belonging to either of the belligerents shall be permitted to enter or remain in the port of Nassau, or in any other port, roadstead, or waters of the Bahama Islands, except by special leave of the lieutenant governor of the Bahama Islands, or in case of stress of weather. If any such vessel should enter any such port, roadstead, or waters by special leave, or under stress of weather, the authorities of the place shall require her to put to sea as soon as possible, without permitting her to take in any supplies beyond what may be necessary for her immediate use.

If, at the time when this order is first notified in the Bahama Islands, there shall be any such vessel already within any port, roadstead, or waters of those islands, the lieutenant governor shall give notice to such vessel to depart, and shall require her to put to sea, within such time as he shall, under the circumstances, consider proper and reasonable. If there, then, shall be ships of war or privateers belonging to both the said belligerents within the territorial jurisdiction of Her Majesty, in or near the same port, roadstead, or waters, the lieutenant governor shall fix the order of time in which such vessels shall depart. No such vessel of either belligerent shall be permitted to put to sea until after the expiration of at least twenty-four hours from the time when the last preceding vessel of the other belligerent (whether the same shall be a ship of war, or privateer, or merchant-ship) which shall have left the same port, roadstead, or waters, or waters adjacent thereto, shall have passed beyond the territorial jurisdiction of Her Majesty.

II. During the continuance of the present hostilities between the Government of the United States of North America and the States calling themselves "the Confederate States of America," all ships of war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant-ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

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[1] Appendix, vol. iii, p. 18.

III. If any ship of war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdon and in the Channel Islands, and in the several colonies and foreign possessions and dependencies of Her Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom or in the Channel Islands, or in any part of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs; in either of which cases the authorities of the port, or of the nearest port, (as the case may be,) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel, which may have been allowed to remain within British waters for the purpose of repair, shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after the necessary repairs shall have been completed: Provided, nevertheless, that in all cases in which there shall be any vessels (whether ships of war, privateers, or merchant-ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial juisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war, a privateer, or a merchant-ship) of the one belligerent, and the subsequent departure therefrom of any ship of war or privateer of the other belligerent; and the times hereby limited for the departure of such ships of war and privateers, respectively, shall always, in case of necessity, be extended, so far as may be requisite for giving effect to this proviso, but not further or otherwise.

IV. No ship of war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew; and except so much coal only as may be [17] sufficient to carry such vessel to the nearest port of her own *country, or to some nearer destination; and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters, as aforesaid.

I have, &c.,
(Signed) J. RUSSELL.

By the first and second of the foregoing orders belligerent vessels were absolutely excluded from the ports, roadsteads, and waters of the Bahama Islands, except in case of stress of weather or of special leave granted by the lieutenant governor. These islands being very near to the American coast, access to them was of little importance to the armed vessels of the United States, unless under stress of weather; while to vessels of the Confederate States it was of great importance, the harbors of these States being generally, though not always, effectively blockaded.

The orders thus issued by Her Britannic Majesty's government were more stringent and comprehensive by far than those of any other neutral government. It was not the fact that in the ports of the French empire, or in those of other neutral powers generally, belligerent vessels entering without prizes were prohibited from remaining more than twenty-four hours or from purchasing supplies other than arms and military supplies.

The Sumter, after leaving Trinidad, entered in succession the ports of Paramaribo, of San Juan de Maranham in the empire of Brazil, where she remained ten days; of Port Royal and St. Pierre in Martinique; and of Cadiz, where she remained fourteen days. She was during fourteen days in the waters of Martinique, and procured there, under the written authority of the governor of the island, as much coal as her commander wished to take on board to enable him to extend his cruise across the Atlantic, together with other supplies. A few days after her arrival, the Iroquois, a war steamer of the United States, entered Port Royal harbor, and the subjoined correspondence passed between her captain and the governor:

Captain Palmer to the governor of Martinique.

UNITED STATES STEAMSHIP IROQUOIS,
Off St. Pierre, November 15, 1861.

SIR: As circumstances prevent my paying my personal respects to your excellency or your representative at this place, I write to announce my arrival in the afternoon of yesterday, as well as to inform you that, to my surprise, I find a notorious steamer called the Sumter quietly coaling at the wharves and enjoying the hospitalities of the port.

As your excellency cannot be aware of the character of this vessel, I denounce her to you as one that has been for some time engaged in pirating upon the commerce of the United States, robbing, burning, or otherwise destroying all American vessels which come within her reach.

May I not hope, therefore, that your excellency, upon this representation, will not allow her to enjoy the privileges I complain of, but direct her to leave the protection of the French flag and the immunities of a French port?

I have, &c.,
(Signed) JAS. S. PALMER,
Commanding United States Steamship Iroquois.

His Excellency the GOVERNOR OF MARTINIQUE.

The governor of Martinique to Captain Palmer.

[Translation.]

GOUVERNEMENT DE LA MARTINIQUE, CABINET DU GOUVERNEUR,
No. 430, *Fort-de-France, le* 15 *Novembre,* 1861.

M. LE COMMANDANT: I have the honor to reply to the letter which you addressed me this morning.

I am not ignorant, M. le commandant, of the presence in the roads of St. Pierre of a vessel belonging to the States of the South, who profess to have formed a separate confederation.

To accomplish the generous intentions of the Emperor, I wish to be hospitable to the vessels of the two belligerent parties, but I will not, nor can, without violating the orders of His Majesty, divest myself of the absolute neutrality that I ought to observe.

That is to say to you, M. le commandant, that if it is not my intention to refuse an anchorage to a vessel belonging to the States of the South, I offer to you, on the other hand, the same hospitality and the same facilities to the vessels belonging to the Government of the Union which you have the honor to command.

There exist, besides, international laws, that every civilized nation scrupulously observes, and which I need scarcely recall to you, M. le commandant, nor to the commander of the Sumter.

Accept, &c.,
(Signed) LE AMIRAL,
Gouverneur de la Martinique, &c.

M. LE COMMANDANT DE L'IROQUOIS.

The captain of the Iroquois was also informed that, if the Sumter should leave *the port before him, he would not be permitted to weigh anchor until twenty-four hours should have elapsed after her sailing. He quitted his anchorage immediately, and cruised in the offing, with the design of intercepting her, till the night of the 23d, when she succeeded in making her escape. [18]

On the 18th of January, 1862, the Sumter arrived at Gibraltar. The American consul at that port immediately addressed a letter to the governor, informing him of the fact, and expressing a hope that he would "give such orders as may prevent this rebel cruiser from obtaining the necessary facilities, and making equipments for the continuance of her unlawful vocation." To this letter the following answer was returned by the colonial secretary of the dependency:[1]

Mr. Freeling to Mr. Sprague.

SECRETARY'S OFFICE, *Gibraltar, January* 19, 1862.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of yesterday's date on the subject of the confederate steamer Sumter, now at anchor in this bay.

His excellency desires me, in reply, to inform you that the instructions contained in Her Majesty's proclamation of the 13th of May last (published in the Gibraltar Chronicle of the 1st of June, 1861) with reference to the strict neutrality to be observed by Her Majesty's subjects in the contest between the Government of the United States of America and certain States styling themselves "the Confederate States of America," will be strictly carried out with regard to the rights and obligations toward both belligerent parties.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

On the 21st January, 1862, the consul addressed a letter to the senior naval officer at Gibraltar, asking to be informed, for the guidance of the masters of American vessels then lying in the bay, what rules he intended to lay down and enforce "in case any American vessels should leave port before the Sumter, or if the Sumter should be outside the port, waiting to intercept them." He was informed, in answer, that "American merchant-vessels quitting Gibraltar while the Sumter was in the bay, are entitled to a start of twenty-four hours before being pursued with a hostile intention, and it is the duty of the authorities concerned to see that such protection is extended over them." He was further informed that notice of this regulation has been given to the commander of the Sumter.[2]

On the same 21st of January, the consul telegraphed to the minister of the United States in London information that the Sumter was still in the harbor, and added, "the British governor observes strict neutrality, in conformity with the Queen's proclamation."

The Sumter was, in fact, according to the statements of the United States consul, unable to leave Gibraltar for want of coal, the consul having succeeded in inducing the merchants of the place to refuse to supply her with coal, though her commander offered 50 per cent. more than the market price. She then applied to be allowed to purchase coal from the government stores; but this was refused, in conformity with the rule observed throughout the war, at all British ports, toward the vessels of both belligerents.[3]

On the 12th February, 1862, the United States war-steamer Tuscarora arrived at Gibraltar, and proceeded to coal at the neutral port of Algeciras. She was soon afterward joined by the United States war steamer Ino, and subsequently by the Kearsarge; and the Ino and Kearsarge remained off Algeciras waiting to intercept the Sumter. The Sumter was paid off in April, and lay in harbor till December, 1862, when she was sold by public auction (after having been first deprived of her armament) to a British subject resident at Liverpool. The United States consul addressed to the governor a protest against the sale, on the ground, first, that the Sumter had come into the possession of the confederate government as a prize of war, (which was proved not to be the fact, the vessel having been purchased by that government from a private owner,) and secondly, that the sale was made "for the purpose of avoiding a capture by the cruisers of the United States." This protest was not accompanied by any proofs, but notice of it was officially published by the colonial secretary before the day fixed for the sale.[1]

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[1] Appendix, vol. ii, p. 13. [2] Ibid., pp. 9 and 10. [3] Ibid., p. 18.

With reference to this sale the subjoined letters passed between the United States minister in London and Her Britannic Majesty's secretary of state for foreign affairs:[2]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 30, 1862.

MY LORD: On the 19th of this month, I am informed by the consul of the United States at Gibraltar, that a public sale is said to have been made of the steamer [19] Sumter, a vessel which had committed *much depredation upon the commerce of the United States, and which had taken shelter in that port from pursuit from the national ships.

Having the strongest reason, from the known character and previous conduct of the alleged purchaser, to believe that this sale is effected solely for the purpose of rescuing the vessel from its present position, and of making use of Her Majesty's flag to convert it to new purposes of hostilities to the United States, I must pray your lordship's attention to the necessity under which I am placed of asking the assistance of Her Majesty's government to prevent any risk of damage to the United States from a fraudulent transaction in one of her ports; or, in default of it, of declining to recognize the validity of the transfer, should that vessel subsequently be found by the armed ships of the United States sailing on the high seas.

Renewing, &c.
(Signed) CHARLES FRANCIS ADAMS.

Earl Russell to Mr. Adams.[3]

FOREIGN OFFICE, *January* 1, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, calling my attention to the circumstances attending the sale of the steamer Sumter at Gibraltar, and I have the honor to state to you, in reply, that the law-officers of the Crown have already the case before them.

I have, &c.
(Signed) RUSSELL.

Earl Russell to Mr. Adams.[4]

FOREIGN OFFICE, *January* 15, 1863.

SIR: With reference to my letter of the 1st instant, in which I acknowledged the receipt of your letter of the 30th ultimo, respecting the sale of the Sumter at Gibraltar, I have now the honor to inform you that Her Majesty's naval and military officers at that port have received instructions not to give any protection to that vessel beyond the waters of Gibraltar; but it will of course be clearly understood that those instructions do not preclude the owners of the Sumter, if that vessel should be taken by United States cruisers, from appealing, according to the usage and practice of international law, to the prize court in the United States against the captors; nor will Her Majesty's government be precluded from taking any course which may appear hereafter to them proper, if the Sumter, now assumed to be British property, should be hereafter condemned, or otherwise dealt with in any manner which might not be, in their judgment, warranted by international law.

I have, &c.
(Signed) RUSSELL.

Mr. Adams had on the 3d January, 1863, telegraphed to the American consul at Gibraltar that Captain Bryson, commanding the United States war-steamer Chippewa, was to endeavour to capture the Sumter should she leave Gibraltar under the British flag; and on the 19th January, 1863, he again telegraphed, "The Sumter should be captured if she goes out of the British waters on the high seas. If she have nominal British papers she must be sent home for adjudication as prize." The American consul, on the 21st January, answered as follows: "Your telegram communicated to our commanders: Sumter coaling again and provisioning to-day." She sailed from Gibraltar on the 7th February, was not captured, and reached Liverpool on the 13th.[1] At Liverpool she remained until the 3d July, 1863, when she sailed as a merchant-vessel, without armament, and carrying as freight some heavy ordnance, which could not possibly have been used on board of her. She had undergone repairs, but all fittings for warlike purposes had been removed from her, and she had been re-named the Gibraltar. While in port she had been carefully watched by order of Her Majesty's government, as a precaution lest she should be in any way armed or equipped for war; and she was not permitted to clear till it had been satisfactorily shown that she was in no respect so equipped and had no armament.[2] She is believed to have been wrecked at last in attempting to enter Charleston. After the time when she entered the harbor of Gibraltar she never appeared at sea as an armed ship, nor was employed to commit hostilities against the United States or their citizens.

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[1] Appendix, vol. ii, p 45.
[2] Ibid., p. 47.
[3] Ibid., p. 52.
[4] Ibid., p. 54.

With reference to the sale and transfer of this vessel, the views of Her Britannic Majesty's government were further expressed in the following letter addressed to the minister of the United States in London:[3]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 20, 1863.

SIR: There are several statements in your letter of the 14th of March respecting the sale of the Sumter, at Gibraltar, to a British owner, upon which, if any advantage were likely to result from further discussion of the subject, I should feel it [20] right to observe. But it appears to me sufficient to *say, that you seem to have confounded, both in your reasoning upon the subject and in you reference to authority, the positions of a neutral and belligerent in regard to the sale of ships belonging to another belligerent, and to have forgotten, as in the instance of your reference to a statement in a passage on the law of prize, that no neutral state, such as Great Britain now is, administers prize law in favor of either belligerent.

The neutral and belligerent have distinct rights in the matter: the neutral has a right to acquire such property offered to him for purchase, but the belligerent may, in the particular circumstances of the case, not recognize the transfer of such property as being that of his enemy, only parted with to the neutral in order to protect it from capture on the high seas. The prize court of the belligerent, when property so circumstanced is brought before it, decides whether the transfer is fair or fraudulent.

The British government, when neutral, is not bound to refuse to a British subject the right to acquire by purchase a vessel which a belligerent owner may desire to part with, but it would not deny the right of the adverse belligerent to ascertain, if such vessel were captured by its cruisers, whether the vessel had rightfully, according to the law of nations, come into the possession of the neutral; and if Great Britain were herself belligerent, she would not complain of a neutral government allowing one of its subjects to acquire by purchase a vessel which her adversary might desire to part with, though she would have the right of capturing such vessel on the high seas, and sending it before the prize court for judgment as to whether the vessel had rightfully, according to the law of nations, become the property of a neutral owner.

I have, &c.

(Signed) RUSSELL.

The course pursued by Her Majesty's government in this case was adhered to in 1864, in the case of the confederate ship Georgia. It was afterwards judged expedient by the government to prohibit vessels of war belonging to either belligerent from being dismantled or sold in British ports.

It is not the duty of a neutral government to prohibit the sale within its territory of a ship owned by a belligerent to a neutral purchaser. This is a transaction which in no way concerns the neutral government, and with which it cannot be called upon to interfere. Under certain circumstances indeed—as in the case of a ship of war driven by superior force to take refuge in a neutral port—such a sale may be liable to be declared void by a prize court of the other belligerent. But this is a jurisdiction exercised by prize courts alone. Until so set aside, the sale (even in the case supposed above) is valid everywhere, and operates to transfer the property to the neutral purchaser. Nor again can a neutral government be called upon to apply rules applicable exclusively to vessels of war to a vessel which, having originally been armed for war, has been disarmed and sold as aforesaid, unless it clearly appear that the sale was a fictitious transaction, intended to disguise, without altering, the true character of the ship.

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[1] Appendix, vol. ii, p. 59.

[2] Ibid., pp. 64–80.

[3] Ibid., p. 62.

THE NASHVILLE.

The Nashville, an armed steamer commissioned as a ship of war of the Confederate States, arrived at the British dependency of Bermuda on the 30th of October, 1862, having sailed from Charleston on the 26th.[1] Her commander applied for leave to draw a supply of coals from Her Majesty's dock-yard, but this request was refused. She procured coal from a private yard, and sailed on the 4th November. On the 21st November she entered the harbor of Southampton, having, on her way, taken and destroyed an American packet-ship (the Harvey Birch,) and on the 22d went into dock for repairs.[2] On the same day directions were sent from the Foreign Office that she "should not be allowed to equip herself more completely as a vessel of war, or to take in guns or munitions of war."

On the same 22d of November, Mr. Adams addressed a note to Earl Russell in reference to the Nashville, inclosing certain papers received from the consul of the United States in London.[3] From statements in these papers it would, Mr. Adams alleged, appear that the Nashville was not equipped under a commission as a ship of war, nor even with the pretense of a letter of marque; and, further, that she was sent to England with the avowed design that she should be refitted in English ports and made a formidable vessel of war, and that the officers who came in her should be put in command of two other ships which were alleged to be then fitting out in the ports of Great Britain for the purpose of carrying on war against the United States. He proceeded to request that Her Majesty's government would cause inquiry to be made, and would adopt such measures as the case, upon investigation, might seem to demand. "This inquiry may be solicited to the ascertainment of two classes of facts: the first, as to the authority possessed by this vessel to commit so aggressive an act on the citizens of a friendly power, and then to claim a refuge and recognition in the harbors of Great [21] Britain. The second, in case *the nature of that authority be deemed sufficient—at least in the view of Her Majesty's government—as to the purposes for which the ship is alleged to have come across the ocean, to wit, the making more effective preparation in the ports of Great Britain for carrying on a war against the people of a friendly nation. In the former case, the question will arise whether the vessel be or be not subject to due process of law as a common disturber of the peace of the world; in the second, whether a recognized belligerent shall or shall not be permitted with impunity to violate the terms of Her Majesty's proclamation forbidding the fitting out, within the ports of Great Britain, of any armament intended to be used against a nation with which she is at peace."

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[1] Appendix, vol. ii, p. 87.

[2] Ibid., pp. 90, 91.

[3] Ibid., p. 92.

The foregoing note was immediately answered by Earl Russell, as follows:

Earl Russell to Mr. Adams.[1]

FOREIGN OFFICE, *November* 23, 1861.

Lord Russell presents his compliments to Mr. Adams, and begs leave to acquaint him that his letter and the inclosure shall receive the immediate attention of Her Majesty's government.

Lord Russell has already given directions that no infringement of the foreign enlistment act shall be permitted in regard to the Nashville.

On the 28th November, 1861, Earl Russell addressed to Mr. Adams, with reference to his note of the 22d, a further note, which was as follows:

Earl Russell to Mr. Adams.[2]

FOREIGN OFFICE, *November* 28, 1861.

The undersigned, Her Majesty's principal secretary of state for foreign affairs, has the honor to inform Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States at this court, that his note of the 22d instant has been the subject of careful and anxious consideration by Her Majesty's government.

Mr. Adams, after reciting the capture and destruction by fire of the United States merchant-ship on the high seas by order of the commander of the armed steamer called the Nashville, and the subsequent arrival of the Nashville in the port of Southampton, asks for an inquiry as to two classes of facts: the first; "as to the authority possessed by this vessel to commit so aggressive an act on the citizens of a friendly power, and then to claim a refuge in the harbors of Great Britain;" the second, "in case the nature of that authority be deemed sufficient, at least in the view of Her Majesty's government, as to the purposes for which the ship is alleged to have come across the ocean, to wit, the making more effective preparations in the ports of Great Britain for carrying on war against the people of a friendly nation."

Her Majesty's government have directed their inquiries to both these points, and also to the state of the law as applicable to the facts thus by them ascertained.

With regard to the first point, the undersigned has to state that the Nashville appears to be a confederate vessel of war; her commander and officers have commissions in the so-styled confederate navy; some of them have written orders from the navy department at Richmond to report to Lieutenant Pegram "for duty" on board the Nashville, and her crew have signed articles to ship in the confederate navy.

In these circumstances the act done by the Nashville, of capturing and burning on the high seas a merchant-vessel of the United States, cannot be considered as an act "voluntarily undertaken by individuals not vested with powers generally acknowledged to be necessary to justify aggressive warfare," nor does it at all "approximate within the definition of piracy."

Such being the answer of Her Majesty's government on the first point raised by Mr. Adams, the undersigned passes to the second.

The undersigned stated to Mr. Adams, in his informal note of the 23d instant, that he had already given directions that no infringement of the foreign enlistment act should be permitted in regard to the Nashville. In fact, directions had already been given to prevent the Nashville from augmenting her warlike forces within Her Majesty's jurisdiction in contravention of the foreign enlistment act.

With respect to the allegation made by Mr. Adams that some of the officers of the Nashville are to be put in command of vessels now fitting out in British ports for purposes hostile to the Government of the United States, the undersigned can only say that, if reasonable evidence can be procured to that effect, all parties concerned who shall be acting in contravention of the foreign enlistment act shall be legally proceeded against, with a view to the punishment of the persons and to the forfeiture of the vessels.

Having thus answered Mr. Adams upon the two points to which his attention was called, the undersigned has only further to say that, if, in order to maintain inviolate the neutral character which Her Majesty has assumed, Her Majesty's government should find it necessary to adopt further measures within the limits of public law, Her Majesty will be advised to adopt such measures.

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[1] Appendix, vol. ii, p. 95.

[2] Ibid., p. 101.

It is the earnest desire of Her Majesty to preserve intact the friendly relations between Her Majesty and the United States of America.

The undersigned, &c.,
(Signed) RUSSELL.

[22] *On the 2d December, 1861, Mr. Adams answered the foregoing note as follows:

Mr. Adams to Earl Russell.[1]

LEGATION OF THE UNITED STATES,
London, December 2, 1861.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt of a note from the Right Honorable Earl Russell, Her Majesty's principle secretary of state for foreign affairs, dated on the 28th of November, and in answer to the note of the undersigned soliciting an investigation into the case of the armed steamer the Nashville.

While the undersigned regrets that Her Majesty's government has determined to give what he cannot but think a liberal construction to the evidence furnished of the character of the voyage of the Nashville, it is yet a source of great satisfaction to him to learn the intention expressed by the government to apply all its power to the prevention of measures taken within this kingdom by ill-disposed persons to fit out enterprises of a hostile character to the United States. The undersigned entertains no doubt that this information, which has been already transmitted by him to this government, will be received with much pleasure.

The undersigned, &c.
(Signed) CHARLES FRANCIS ADAMS.

Reports of the nature of the repairs which the Nashville was undergoing, showing that nothing whatever was being done to fit her more completely as a vessel of war, were from time to time received at the Foreign Office from the senior naval officer at Southampton, and were forwarded to Mr. Adams for his information. Mr. Adams, in acknowledging the receipt of these reports, added, "It is a source of gratification to him (Mr. Adams) to observe the continued supervision exercised by Her Majesty's government over the outfit of that vessel."—(28th December, 1861.)[2]

On the 15th December, 1861, the United States war-steamer Tuscarora arrived in Southampton Water. She remained there, occasionally shifting her anchorage, until after the departure of the Nashville, which occurred on the 3d February following. While the two ships remained in British waters, Her Majesty's government enforced with strict impartiality the rule which had previously been enforced by the French authorities at Martinique in the case of the Sumter and Iroquois, that, if either should sail, the other should not sail within twenty-four hours afterwards. The facts are stated in reports addressed by Captain Patey as senior naval officer to Her Majesty's board of admiralty.[3] Both ships coaled at Southampton.

In July, 1862, the Tuscarora returned to Southampton, and remained in that port undergoing repairs for three weeks or thereabouts.

GENERAL COURSE PURSUED BY HER BRITANNIC MAJESTY'S GOVERNMENT, AND BY OTHER MARITIME POWERS IN REGARD TO THE RECEPTION OF BELLIGERENT CRUISERS.

From the beginning of the war to the end of it, Her Britannic Majesty's government scrupulously observed, in respect of vessels entering British ports or waters under the flag of either belligerent, the duties of a neutral power. The cruisers of both were admitted upon the same terms; and the regulations which it was found necessary to make from time to time in order to prevent the hospitality thus accorded from being abused, whether by design or through inadvertence, were impartially applied to both. Unremitting care and vigilance were employed to prevent these necessary precautions from being infringed or eluded, and especially to prevent any belligerent vessel from engaging in hostilities, or from enlisting seamen or otherwise increasing its military force, within British territory, or using such territory as a station from whence to observe and attack enemy's ships. The difficulties occasioned, especially in Her Majesty's colonial possessions, by the resort of belligerent cruisers to British ports and waters, were considerable, and called for the exercise of much judgment and moderation on the part of the local authorities. By United States cruisers the ports and waters of Her Majesty's dominions were resorted to for coaling and other purposes more frequently than by vessels of the Confederate States. The impartial neutrality maintained in these respects by Her Majesty's government was nevertheless made a frequent subject of complaint by the Government of the United States, which continued to insist that confederate vessels ought to have been treated as piratical, or at least excluded altogether; whilst the Confederate States, on their part, complained that the regulations enforced were unequal in operation, and unduly disadvantageous to a belligerent whose ports and coasts were under blockade.

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[1] Appendix, vol. ii, p. 102.

[2] Ibid., p. 105.

[3] For a summary of the proceedings of the two vessels, see Appendix, vol. ii, p. 120.

The neutrality observed by Great Britain was observed also throughout the war by other maritime powers. By them, as by Great Britain, the armed vessels of both belligerents were admitted impartially and indifferently into their ports, subject to such regulations and conditions as they respectively judged it expedient to impose for their own protection, and to prevent their hospitality from being abused.

*PART III.

STATEMENT ON INTERNATIONAL RIGHTS AND DUTIES; ON THE POWERS WHICH WERE POSSESSED BY HER BRITANNIC MAJESTY'S GOVERNMENT OF PREVENTING UNLAWFUL EQUIPMENTS, AND THE MANNER AND CIRCUMSTANCES IN AND UNDER WHICH THESE POWERS WERE EXERCISED DURING THE WAR.

PART III.—Introductory statement.

With a view to enable the tribunal to form a just appreciation of the circumstances under which certain vessels were procured from ports in Great Britain by the government of the Confederate States, it will be proper to state, in the first place, some general propositions, applicable to the subject, which are believed by Her Britannic Majesty's government to be in accordance with international law and practice; secondly, to explain the means of prevention which were at the command of Her Majesty's government; and, thirdly, to describe in some detail the manner in which those means of prevention were exercised during the war.

GENERAL PROPOSITIONS.

Her Britannic Majesty's government believes the following propositions to be in accordance with the principles of international law and the practice of nations:

1. A neutral government is bound to exercise due diligence, to the intent that no place within its territory be made use of by either belligerent as a base or point of departure for a military or naval expedition, or for hostilities by land or sea.
2. A neutral government is not, by force of the above-mentioned obligation or otherwise, bound to prevent or restrain the sale within its territory, to a belligerent, of articles contraband of war, or the manufacture within its territory of such articles to the order of a belligerent, or the delivery thereof within its territory to a belligerent purchaser, or the exportation of such articles from its territory for sale to, or for the use of, a belligerent.
3. Nor is a neutral government bound, by force of the above-mentioned obligation or otherwise, to prohibit or prevent vessels of war in the service of a belligerent from entering or remaining in its ports or waters, or from purchasing provisions, coal, or other supplies, or undergoing repairs therein; provided that the same facilities be accorded to both belligerents indifferently; and provided also that such vessels be not permitted to augment their military force, or increase or renew their supplies of arms or munitions of war, or of men, within the neutral territory.
4. The unlawful equipment, or augmentation of force, of a belligerent vessel within neutral waters being an offense against the neutral power, it is the right of the neutral power to release prizes taken by means or

by the aid of such equipment or augmentation of force, if found within its jurisdiction.

5. It has been the practice of maritime powers, when at war, to treat as contraband of war vessels specially adapted for warlike use and found at sea under a neutral flag in course of transportation to a place possessed or occupied by a belligerent. Such vessels have been held liable to capture and condemnation as contraband, on proof in each case that the destination of the ship was an enemy's port, and provided there were reasonable grounds for believing that she was intended to be sold or delivered to or for the use of the enemy.

6. Public ships of war in the service of a belligerent, entering the ports or waters of a neutral, are, by the practice of nations, exempt from the jurisdiction of the neutral power. To withdraw or refuse to recognize this exemption without previous notice, or without such notice to exert, or attempt to exert, jurisdiction over any such vessel, [24] would *be a violation of a common understanding, which all nations are bound by good faith to respect.

7. A vessel becomes a public ship of war by being armed and commissioned, that is to say, formally invested by order or under the authority of a government with the character of a ship employed in its naval service and forming part of its marine for purposes of war. There are no general rules which prescribe how, where, or in what form the commissioning must be effected, so as to impress on the vessel the character of a public ship of war. What is essential is, that the appointment of a designated officer to the charge and command of a ship likewise designated be made by the government, or the proper department of it, or under authority delegated by the government or department, and that the charge and command of the ship be taken by the officer so appointed. Customarily, a ship is held to be commissioned when a commissioned officer appointed to her has gone on board of her and hoisted the colors appropriated to the military marine. A neutral power may indeed refuse to admit into its own ports or waters as a public ship of war any belligerent vessel not commissioned in a specified form or manner, as it may impose on such admission any other conditions at its pleasure, provided the refusal be applied to both belligerents indifferently; but this should not be done without reasonable notice.

8. The act of commissioning, by which a ship is invested with the character of a public ship of war, is, for that purpose, valid and conclusive, notwithstanding that the ship may have been at the time registered in a foreign country as a ship of that country, or may have been liable to process at the suit of a private claimant, or to arrest or forfeiture under the law of a foreign state. The commissioning power, by commissioning her, incorporates her into its naval force; and by the same act which withdraws her from the operation of ordinary legal process assumes the responsibility for all existing claims which could otherwise have been enforced against her.

9. Due diligence on the part of a sovereign government signifies that measure of care which the government is under an international obligation to use for a given purpose. This measure, where it has not been defined by international usage or agreement, is to be deduced from the nature of the obligation itself, and from those considerations of justice, equity, and general expediency on which the law of nations is founded.

10. The measure of care which a government is bound to use in order to prevent within its jurisdiction certain classes of acts, from which harm might accrue to foreign states or their citizens, must

always (unless specifically determined by usage or agreement) be dependent, more or less, on the surrounding circumstances, and cannot be defined with precision in the form of a general rule. It would commonly, however, be unreasonable and impracticable to require that it should exceed that which the governments of civilized states are accustomed to employ in matters concerning their own security or that of their own citizens. That even this measure of obligation has not been recognized in practice might be clearly shown by reference to the laws in force in the principal countries of Europe and America. It would be enough, indeed, to refer to the history of some of these countries during recent periods, for proof that great and enlightened states have not deemed themselves bound to exert the same vigilance and employ the same means of repression, when enterprises prepared within their own territories endangered the safety of neighboring states, as they would probably have exerted and employed had their own security been similarly imperiled.

11. In every country where the executive is subject to the laws, foreign states have a right to expect—

(*a.*) That the laws be such as in the exercise of ordinary foresight might reasonably be deemed adequate for the repression of all acts which the government is under an international obligation to repress;

(*b.*) That, so far as may be necessary for this purpose, the laws be enforced and the legal powers of the government exercised.

But foreign states have not a right to require, where such laws exist, that the executive should overstep them in a particular case, in order to prevent harm to foreign states or their citizens; nor that, in order to prevent harm to foreign states or their citizens, the executive should act against the persons or property of individuals, unless upon evidence which would justify it in so acting if the interests to be protected were its own or those of its own citizens. Nor are the laws or the mode of judicial or administrative procedure which exists in one country to be applied as constituting a rule or standard of comparison for any other country. Thus, the rules which exist in Great Britain as to the admission and probative force of various kinds of testimony, the evidence necessary to be produced in certain cases, the questions proper to be tried by a jury, the functions of the executive in regard to the [25] prevention and prosecution of offenses, may differ, as the *organization of the magistrature and the distribution of authority among central and local officers also differ, from those which exist in France, Germany, or Italy. Each of these countries has a right, as well in matters which concern foreign states or their citizens, as in other matters, to administer and enforce its own laws in its own forum, and according to its own rules and modes of procedure; and foreign states cannot justly complain of this, unless it can be clearly shown that these rules and modes of procedure conflict in any particular with natural justice, or, in other words, with principles commonly acknowledged by civilized nations to be of universal obligation.

In connection with the foregoing propositions are to be taken the three rules stated in Article VI of the treaty, and accepted by Her Britannic Majesty's government in the manner expressed in that article.

NEUTRALITY LAWS—LAW OF THE UNITED STATES.

The case of a vessel which is dispatched from a neutral port to or for the use of a belligerent, after having been prepared within the neutral territory for warlike use, is one which may be regarded from different points of view, and may fall within the operation of different principles. The ship herself may be regarded merely as an implement or engine of war, sold or manufactured to order within neutral territory, and afterward transported therefrom, and the whole transaction as falling within the scope of the principles applicable to the sale, manufacture, shipment, and transportation of articles contraband of war; or, on the other hand, the preparation and dispatch of the ship may be viewed as being really and in effect the preparation and commencement of a hostile expedition. The circumstances of each case can alone determine from which of these two points of view it may most fitly be regarded, and to which class the transaction ought to be assigned. But the difficulty of drawing a clear, precise, and intelligible line between these two classes of transactions has always been considerable in theory, and still greater in practice; and it was enhanced to the utmost during the civil war by the ingenuity and audacity of American citizens, who were engaged in carrying on hostilities against the Government of the United States, and were desirous of availing themselves for this purpose of the ship-building and manufacturing resources of Great Britain. This will sufficiently appear from the narrative which follows; and it will be seen also how serious and incessant were the trouble and embarrassment which these enterprises occasioned to Her Majesty's government. It is by the many difficulties encountered and by the experience acquired during the war that Her Majesty's government was finally led to the conclusion that it was expedient not only to enlarge the scope of its municipal law in relation to this subject beyond what has hitherto been deemed necessary in any other country, but, further, to accept for itself, and propose to other powers, rules of international obligation somewhat more stringent and comprehensive than are to be found in earlier expositions of the law of nations.

The acts of which the Government of the United States is understood to complain belong to a class which have not commonly been made an object of prohibitory legislation. In few countries, or in none, according to the information received by Her Britannic Majesty's government, did the law directly prohibit such acts, or make any definite provision for preventing them, at the time when this war began, except in the United States and Great Britain. Laws are not made till the necessity for them has arisen. In the United States the necessity arose at a very early period in the history of that commonwealth, and has again repeatedly presented itself at various times. The first maritime war in which the United States held the position of a neutral power was that which commenced in 1793, when the French Republic declared war against Great Britain and against the United Provinces of the Netherlands. Within three months after the declaration of war several privateers had been procured, equipped, armed, and commissioned in ports of the United States to cruise under the French flag against the commerce of Great Britain, with which the United States were at peace. They were not only fitted out in American ports, but were owned, officered, and manned, in large proportion, by American citizens. The measures adopted by the Executive of the United States to restrain these enterprises proved inadequate; they were renewed from time to time, and the persons who took part in them were not punished; and on the 5th June, 1794, an act of Congress entitled "An act in addition to the act for the punishment of certain crimes against the United States" was passed for amending the law in this respect. This act was a temporary one, to continue in force for two years, and thenceforth until the end of the then next session of Congress. Its provisions were re-enacted on the 2d March, 1797, and were made perpetual by an act of Congress passed on the 24th April, 1800. It was not completely effectual. From the published [26] reports of cases decided in the American *courts it appears that depredations on British commerce were again and again committed by French privateers, subsequently fitted out and armed for war in ports of the United States.

In March, 1806, an expedition against Spain (with which the United States were at peace) was fitted out in New York by one Miranda, a native of Peru, who had served in the French republican army under Dumouriez. This expedition, which consisted of an armed vessel, carrying 18 guns, and two schooners, sailed for its destination. Orders were issued for arresting it, but they were too late. Persons who participated in it were afterward prosecuted, but were acquitted by the jury before whom they were tried.

In the year 1810 war broke out between Spain and her American colonies, and in 1816 Portugal engaged in the war on the side of Spain. The United States remained neutral. It appears from the correspondence which subsequently passed between the Government of the United States and the governments of Spain and Portugal, as well as from the published reports of cases decided in the courts of the United States, that a considerable number of privateers were, at various times during the war, but chiefly in the earlier part of it, fitted out, manned, and armed in ports of the United States for the purpose of cruising against the commerce of Spain and against that of Portugal, and that large numbers of Spanish and Portuguese ships were captured by these privateers. In the dispatches of the Portuguese minister at Washington not fewer than twenty-six of such privateers are mentioned as having been fitted out and armed at a single American port; and fifty ships belonging to Portuguese citizens are stated to have been captured between the years 1816 and 1819, inclusive. It was further stated that the privateers were, for the most part, not only fitted out, but owned and commanded, by citizens of the United States. The facts alleged do not appear to have been disputed by the Government of the United States. In answer to the first representation of the Portuguese minister, in which he indicated ten ships which had armed, or were believed to be then arming, at Baltimore, Mr. Monroe, then Secretary of State, wrote as follows:

The United States Secretary of State to the Portuguese minister at Washington.

WASHINGTON, *December* 27, 1816.

SIR: I have had the honor to receive your letter of the 20th instant, complaining of certain equipments of armed vessels from Baltimore, and of instructions given to the commander of one of those vessels to attack conditionally the vessels of your sovereign, the King of Portugal and Brazil. You are aware that these vessels are equipped without any authority from this Government, and on pretexts very different from those which you assign. You are also aware that the existing laws do not authorize the President to interfere in such cases, and it is your object to obtain such amendment of them as may be sufficient for the purpose.

I have communicated your letter to the President, and have now the honor to transmit to you a copy of a message which he has addressed to Congress on the subject, with a view to obtain such an extension by law of the executive power as will be necessary to preserve the strict neutrality of the United States in the existing war between Spain and the Spanish colonies, and effectually to guard against the danger in regard to the vessels of your sovereign which you have anticipated.

As soon as a law may be passed on this subject, I shall have the honor of communicating it to you, and I avail myself of this opportunity of assuring you of the great interest which the President takes in cultivating the most kindly relations with your sovereign, his subjects, and dominions.

I have, &c.,

(Signed) JAMES MONROE.

Chevalier J. CORREA DE SERRA.

On the 26th December, 1816, President Madison communicated to Congress the following message:

WASHINGTON, *December* 26, 1816.

It is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace toward belligerent parties and other unlawful acts on the high seas by armed vessels equipped within the waters of the United States.

With a view to maintain more effectually the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment, with a warlike force within the jurisdiction of the United States, or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions of the cases of merchant vessels furnished with the defensive armaments used on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit.

(Signed) JAMES MADISON.

[27] Papers relating to the same subject were at the same time laid by the Committee on *Foreign Affairs before the House of Representatives. Among these was one by Mr. Monroe, then Secretary of State, in which he reported as follows:

The provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be—

1st. That they should be laid under bond not to violate the treaties of the United States, or the obligations of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot, including the cases of vessels taking on board arms and munitions of war, applicable to the equipment and armament of such vessels subsequent to their departure.

2d. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law; the detention to take place until the order of the Executive on a full representation of the facts had thereupon can be obtained. The statute-book contains analogous powers to this above suggestion. (See particularly the eleventh section of the act of Congress of April 25, 1808.)

The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive where there is reason to suspect an intention to commit the offense. They rest upon the general footing of punishing the offense where, if there be full evidence of the actual perpetration of the crime, the party is bonded over after the trial to the penalty denounced.

On the 3d March, 1817, a short act was passed, by the first section of which provision was made (by the introduction of the words "colony, district, or people,") for the case of a belligerent community or body of persons not recognized as a sovereign state.

The second and third sections were as follows:

SEC. 10. *And be it further enacted,* That the owners and consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

SEC. 11. *And be it further enacted,* That the collectors of customs be, and they are hereby, respectively authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign state, or of any colony, district, or people, with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act.

It is to be remarked that these provisions were enacted on a representation by the Secretary of State that it had become necessary, in order to make the laws against fitting out armed vessels effectual, to invest the collectors or other revenue officers with a preventive power to seize and detain on a reasonable suspicion, or at any rate on a "strong presumption," of an intended breach of the law. The only cases in which Congress was willing to confer this power were those defined in these sections, neither of which could by any latitude of construction be so extended as to include a vessel which at the time of its departure, was neither armed nor ladened with a cargo consisting principally of arms and munitions of war. Nor would the second section embrace any vessel not owned wholly or in part by citizens of the United States; and the security which the collectors were authorized to take was a security only against a hostile employment of the ship by the "owner or owners" thereof, and (in cases within the second section) by "such" owners; that is to say, by owners being American citizens.

On the 20th April, 1818, a further act of Congress was passed, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned." By this act the acts of 1794, 1797, and 1817, were repealed, and their provisions were revised and consolidated, but without being made more stringent in any material respect. It has never since been repealed, altered, or amended, and continues at the present day a part of the law of the United States.

Notwithstanding the legislation of 1817 and 1818, the Spanish and Portuguese ministers continued from time to time to complain to the Government of the United States of depredations on Spanish and Portuguese commerce by vessels fitted out and armed in ports of the United States. By the Spanish minister, writing on the 2d November, 1817, it was affirmed that "the act of Congress of the 3d March, 1817, has in nowise lessened the abuses by which the laws are evaded, [28] and which render entirely illusory the laudable * purposes for which they were enacted." "From the greater part," he continued, "of the ports of these States there frequently sail a considerable number of vessels, with the premeditated intention of attacking the Spanish commerce, which carry their armament concealed in the hold. It rarely happens that they can be arrested, inasmuch as the collectors of customs say that they have not at their disposition the naval force necessary to effect it. On the other hand, armed vessels, under the flag of the insurgents, enter into the ports of the Union, and not only supply themselves with all necessaries, but also considerably increase the means they already have of destroying the trade of Spain, as has recently been the case at New York, whereby the (so-called) privateers of His Majesty's revolted provinces, which are in reality nothing more than pirates, manned by the scum of all countries, enjoy greater privileges than the vessels of independent powers."

These remonstrances were repeatedly renewed during the year 1818. On the 7th May, 1818, he wrote—

> I would have considered myself dispensed from the necessity of again pressing this subject on your attention, if it had appeared possible for me to restrain these armaments by the employment of judicial means; but, unfortunately, the act of Congress of the 20th of April last, for preserving neutrality with foreign nations, and others already in force, although highly judicious, are easily eluded; and although these practices are public and notorious throughout the whole Union, His Majesty's consuls advise me that through a deficiency of evidence they cannot be restrained by a regular application of the law

And, on the 9th June, 1818, he represented that there were then at Baltimore four privateers, three of which were notoriously fitted out there, whilst the fourth was a schooner captured from Spanish owners. All these vessels, he affirmed, were commanded by citizens of the United States, and manned, with scarcely an exception, by American crews; but he added that, though these facts were well known, it was in vain to seek evidence to prove them, "as, a great portion of the commercial people of Baltimore being interested in the cases which produce my present reclamations, no one is willing to come forward and offer testimony against what is termed the general interest."

It is needless here to refer particularly to more recent instances of vessels fitted out in ports of the United States for expeditions against countries with which the United States were at peace. These instances are well known.

In referring to the facts mentioned above it is by no means the intention of Her Majesty's government to cast any reproach upon the Government or people of the United States. Prohibitory laws directed against offenses of this kind are liable to be evaded or infringed without fault on the part of the Government; and they have accordingly been infringed in the United States by acts much more flagrant than any of those now charged against Great Britain. The enforcement of such laws is indeed beset by special difficulties. It is usually difficult to ascertain the existence of an unlawful intention. The class of acts which they prohibit are easy to conceal or disguise; the occasions which call them into operation occur but seldom; and when these occasions arise, it becomes needful either to create a special machinery for the purpose, or to rely upon the officers intrusted with the execution of the ordinary laws of trade and navigation—laws which are framed on the principle of avoiding as much as possible all minute scrutiny and unnecessary interference.

Many cases of alleged violations of the acts hereinbefore mentioned have been brought before courts of the United States, and various parts of them have received from those courts a judicial interpretation. These interpretations have been, and still are, regarded as authoritative expositions of the law of the United States bearing on this subject.

It results from the foregoing statement—

1. That the law of the United States regarding this matter arose out of the prevalence within the United States of the acts which it was designed to prevent, and that it has been altered and amended in order to prevent more effectually the recurrence of those acts.

2. That it has existed in its present form for more than fifty years; that in the course of that time recourse has frequently been had to it; and that it has always been held, and is now held by the legislative authority in the United States to be adequate for its purpose.

3. That, notwithstanding this law, vessels have from time to time been fitted out and armed within the United States, to cruise and commit hostilities against nations with which the United States were at peace, and that severe losses and injuries have been inflicted on those nations by the depredations of such vessels.

Further, it has been constantly held and maintained by the United States (and particularly during the discussions with Spain and Portugal above referred to) that the powers possessed by the Government of the United States to prevent the fitting-out of vessels within the territory of the Republic were such only as could be shown to be
[29] * actually vested in the Government by the laws and Constitution of the United States in force for the time being; and that,

provided those powers had been *bona fide* exercised, the United States were not responsible for any losses, however severe, inflicted by any vessel or vessels, however numerous, fitted and armed within their territories.

It has been the practice of the executive authorities of the United States, in enforcing the law, to act upon information laid before them by consuls of foreign powers, or other persons interested officially or otherwise in preventing the acts prohibited by the law, and to require the persons furnishing such information to produce evidence in support of it; and the importance of such information, to enable the neutral power to intervene in proper cases, was expressly pointed out in the letter of Mr. Jefferson to Mr. Hammond, of the 5th September, 1793, annexed to the treaty of the 19th November, 1794, between the United States and Great Britain.

LAW OF GREAT BRITAIN.

The law of Great Britain on this subject was, at the time of the happening of the events out of which the questions submitted to the arbitrators arose, embodied in an act of Parliament passed in the year 1819, and entitled "An act to prevent the enlisting or engagement of His Majesty's subjects to serve in foreign service, and the fitting out or equipping, in His Majesty's dominions, vessels for warlike purposes without His Majesty's license." This act is commonly referred to as the "foreign enlistment act." At the time when it was proposed to Parliament, it was reported and believed that expeditions were being prepared in England for the assistance of the Spanish-American colonies, which were then at war with their mother country. The circumstances, therefore, which gave rise to the passing of the British law, were similar to those which gave rise to the passing of the corresponding laws in the United States, with the difference that in the United States armed vessels had actually been fitted out, and had actually committed hostilities and depredations against the commerce of a friendly power, whereas in Great Britain it was only apprehended that some vessels were about to be fitted out and dispatched with a like purpose.

The legislature of Great Britain, in framing the law of 1819, appears to have adopted as its model the law which had been passed by the Congress of the United States in the preceding year. The British act is, however, as regards the matters now in question, more stringent, rigorous, and comprehensive than that of the United States.

In regard to the fitting out of vessels for belligerent purposes, the section of the act of the United States which defines the offense is as follows:

SEC. 3. *And be it further enacted,* That if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every person so offending shall be guilty of a high misdemeanor, and shall be fined not more than $10,000, and imprisoned not more than three years; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

The section of the British act which defines the offense is as follows:

> VII. *And be it further enacted,* That if any person within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, shall, without the leave and license of His Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise any powers of government in or over any foreign state, colony, province, or part of any province or people, as a transport or store-ship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising or assuming to exercise the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom His Majesty shall not then be at war; or shall, within the United Kingdom or any of His Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to His Majesty, issue or deliver any commission [30] for any ship or * vessel, to the intent that such ship or vessel shall be employed as aforesaid; every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of His Majesty's customs or excise, or any officer of His Majesty's navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise or the laws of trade and navigation, to seize such ships and vessels as aforesaid, and in such places and in such manner in which the officers of His Majesty's customs or excise and the officers of His Majesty's navy are empowered respectively to make seizures under the laws of customs and excise or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation.

The tenth and eleventh sections of the American act (which are commonly referred to as the "bonding clauses") were not introduced into the British act; but, inasmuch as neither of these clauses could have been applied with effect to any of the vessels which sailed from British ports during the war, and the acts of which have given rise to the claims now in question, they may be dismissed from consideration in comparing the two acts for the purposes of this discussion.

During the forty-two years which elapsed between the passing of the act of 1819 and the year 1862, only one case founded on an alleged violation of that act appears to have been brought to trial before a court. This was a criminal prosecution on a charge of having fitted out in England in the year 1849, during a civil war in the Kingdom of the two Sicilies, a ship intended for the naval service of persons in arms against the government of that Kingdom.

It results from the foregoing statements that the law of Great Britain, as it existed at the time of the civil war in the United States, was such as in the exercise of due foresight might reasonably be deemed adequate for enabling the British government to perform its obligations as a neutral government. It was modeled upon the law of the United States, which had long existed and had frequently been brought under consideration in the courts of that country; it equalled that law, and even surpassed it in stringency; and offenses against it (if any there were) had been so rare as to have left hardly any trace in the judicial records of Great Britain.

The functionaries to whom the power of seizing vessels for contraventions of the foreign enlistment act was committed by law, were the officers of the customs stationed at the several ports of the United Kingdom. These officers are under the direction of the commissioners of customs resident in London, who are themselves under the general superintendence and control of the lords commissioners of the treasury or finance department of Her Majesty's government.

The police or peace-officers charged with the prevention and detection of crimes and offenses in general within the United Kingdom are under the control of the local authorities in the several counties and boroughs under the general supervision of the secretary of state for the home department.

The official advisers of the government on questions of law are the attorney-general, the solicitor-general, and the Queen's advocate. To these functionaries (whom it is usual to designate collectively as the "law-officers of the Crown") the government refers for advice on such questions of law as may arise in the administration of public affairs, and it guides itself by their advice in dealing with such questions.

To the foregoing statement respecting the law of Great Britain so far as it specifically relates to the matters now in question, it is proper to add that, according to the general principles of the constitutional law of the Kingdom—

1. The Executive cannot deprive any person, even temporarily, of the possession or enjoyment of property, nor subject him to bodily restraint, unless by virtue and in exercise of a power created and conferred on the Executive by law.

2. No person can be visited with a forfeiture of property, nor subjected to any penalty, unless for breach of a law, nor unless such breach can be proved to the satisfaction of a competent legal tribunal, by testimony given on oath in open court, subject to the rules of procedure established here for the due administration of justice. Every witness is liable to be cross-examined by the accused party, or his advocate.

3. No person can be compelled to answer a question put to him in a court of law if the question is such that, by answering it, he would incur the risk of a penalty or of a prosecution before a criminal tribunal. Statements on hearsay are not admissible as evidence.

[31] *These general principles apply equally, whether the object sought to be attained be the prevention or punishment of an injury to the state, or to any citizen of the state, or to any other person or persons whomsoever.

It may be further observed that, during the whole period to which the questions submitted to the arbitrators relate, every case of alleged infringement of the British foreign enlistment act brought to trial within the United Kingdom was required to be proved to the satisfaction of a jury.

EFFECT OF THE BLOCKADE.

After these observations on the nature, extent, and limitations of the powers of prevention which by the laws and constitution of Great Britain were vested in Her Majesty's government, it will be convenient to state the circumstances in the midst of which the government was called upon to exercise those powers during the war.

It has been mentioned above that one of the first acts of the Government of the United States, after the outbreak of the war, was to set on foot a general blockade of the ports, harbors, and sea-coasts of the Confederate States. These States being hemmed in to the landward on every side, except on the remote southern frontier of Texas, by States which remained faithful to the Union, it was designed by this blockade to cut them off entirely from all traffic and intercourse with neutral countries, especially those from which the people of the South had been accustomed to draw their supplies of manufactured goods, and to which they had been wont to export vast quantities of raw produce. It was not only a commercial blockade on a prodigious scale, it was much more; it was a blockade which, so far as it was successful, shut up and isolated a population of many millions, inhabiting a vast territory and accustomed to export and import largely, from all external commerce whatsoever. At the same time the blockade itself was for a long time very imperfectly maintained, the Navy of the United States being quite inadequate for the purpose, and needing to be supplemented by vessels of all kinds hastily procured, and the fleet thus composed being distributed along an immense coast-line. These facts are notorious.

It is evident that a blockade of this character offered extraordinary inducements, not only to the people of the Confederate States themselves, but to traders in Europe, to use every effort in order to elude it wherever an opening could be discovered. Accordingly, in the year 1862, an active traffic began to be carried on with some of the blockaded ports; and for the purposes of this traffic it was found profitable to procure or construct vessels of a peculiar class, specially adapted for speed and for protection against the fire of blockading squadrons, and differing in various ways, externally and internally, from ships employed in ordinary trade. Recourse was had, for this purpose, to the ports and building-yards of Great Britain, which are accustomed to supply shipping to purchasers of all countries, and are the principal seat of this kind of industry.

Her Majesty's government, though aware that the blockade was for a considerable time not completely effective, and though frequently urged to disregard it, both by the Confederate States and by persons desirous of trading with them, refused to do so, and recognized it from first to last. British subjects who attempted to trade with the blockaded ports were warned by Her Majesty's proclamation (issued at the commencement of the war) that they would incur the risk of the capture and confiscation of their property, and that against that risk their government would not protect them. On the other hand, the government neither did nor could—forcibly or by process of law—prohibit its subjects, or persons within its dominions, from engaging in such trade, or from selling or constructing or purchasing vessels adapted for that purpose. Such a course, indeed, would have been not only a departure from the ordinary practice and usage of neutral nations, but in conflict with those considerations of general expediency on which the rules of international law are founded. The right of blockade is a belligerent right, and the enforcement of it belongs to the belligerent, and not to neutral powers. That blockades, to be binding, must be made effective by the blockading power, is a settled and salutary rule; and this is indeed the sole protection of neutrals against an undue and extravagant extension of the right of blockade. It follows, of necessity, that to the exertions of the blockading power, and to those alone, the task of making them effective must be left.

REPRESENTATIONS OF MR. ADAMS.

At all the principal sea-ports of Great Britain the United States maintained consuls or consular officers. It was the duty of these

[32] officials, in their respective localities, to *keep a watchful eye on whatever might tend to endanger the security or interests of the United States; to use the utmost diligence in informing themselves of any actual or contemplated violations of law which might prove injurious to those interests; to communicate their information to Mr. Adams, the minister of the United States in London, and to act on such instructions as they might receive from him in matters within the range of their functions. And it was the duty of Mr. Adams, in all cases which, in his judgment, demanded action or inquiry on the part of the government of Great Britain, to lay before that government facts sufficient to call for and justify such action or inquiry. In the course of the years 1861, 1862, 1863, 1864, and 1865 many representations were addressed by Mr. Adams to Her Majesty's government respecting vessels which he believed to be either actually employed in carrying on trade with blockaded ports in articles contraband of war or other things, or to be preparing for such employment; and also with respect to other vessels, which he believed to be intended to be used as privateers or commissioned ships of the Confederate States in cruising and carrying on war against the United States. To complaints of traffic carried on with blockaded ports, or in articles contraband of war, it was answered, on the part of Her Majesty's government, that these were enterprises which Her Majesty's government could not undertake to prevent, and the repression of which belonged to the United States as a belligerent power. Allegations, on the other hand, that vessels were being prepared for cruising or carrying on war were immediately referred to the proper officers of the government at the several localities for careful investigation and inquiry. If, on such investigation, it appeared by sufficient *prima facie* evidence that any illegal act was being or had been committed, the vessels were forthwith seized, and proceedings instituted according to law; if not, the result was at once communicated to Mr. Adams, and directions were given to the local authorities to watch closely the vessels as to which his suspicions had been aroused.

THE BERMUDA.

The first of these cases was that of the steamship Bermuda. On the 15th August, 1861, Earl Russell received from Mr. Adams the following note:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 15, 1861.

MY LORD: From information furnished from sources which appear to me entitled to credit, I feel it my duty to apprise Her Majesty's government that a violation of the act prohibiting the fitting out of vessels for warlike purposes is on the point of being committed in one of the ports of Great Britain, whereby an armed steamer is believed to be about to be dispatched with the view of making war against the people of the United States.

It is stated to me that a new screw-steamer, called the Bermuda, ostensibly owned by the commercial house of Fraser, Trenholm & Co., of Liverpool, well known to consist in part of Americans in sympathy with the insurgents in the United States, is now lying at West Hartlepool, ready for sea. She is stated to carry English colors, but to be commanded by a Frenchman. She is two-masted, brig-rigged, lower part of funnel black and upper part red, black hull, with a narrow red stripe round the molding level with the deck, no poop, wheel-house painted white, six white boats, slung in iron davits. She has neither figure-head nor bow-sprit. Her bottom is painted pink up to the water-line.

This steamer is armed with four guns, and she has been for some time taking in crates, cases, and barrels believed to contain arms and ammunition of all kinds ordinarily used in carrying on war.

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[1] Appendix, vol. ii, p. 133.

This cargo is nominally entered as destined to Havana, in the island of Cuba, but her armament and cargo are of such a nature as to render it morally certain that the merchants who claim to be the owners can have no intention of dispatching her on any errand of mercy or of peace.

I am informed that this vessel will sail in a day or two. I therefore feel under the highest obligation to submit the information I have obtained as the ground for an application for a prompt and effective investigation of the truth of the allegations while there is time. Not doubting the earnest disposition of Her Majesty's government faithfully to adhere to the principles of neutrality to which it has pledged itself, I ask, on the part of the United States, for no more than a simple enforcement of the law, in case it shall appear that evil-minded persons are seeking to set it at naught.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

On the same 15th August Earl Russell informed Mr. Adams (as the fact was) that he had lost no time in communicating on the subject with the proper department of the government. Inquiries were immediately directed to be made on the spot, and it was found, as the result of such inquiries, that there was no reason to believe that the [33] vessel *was intended for warlike use. Earl Russel, on the 22d August, 1861, wrote to Mr. Adams as follows:

Earl Russell to Mr. Adams.[1]

FOREIGN OFFICE, *August* 22, 1861.

SIR: I acquainted you in my letter of the 15th instant that I had lost no time in communicating with the proper department of Her Majesty's government respecting the steam-vessel fitting out at Hartlepool, which you believed was about to be dispatched with a view of making war against the people of the United States.

I have now the honor to state to you that the result of the inquiries into this case having been submitted to the proper law-officer of the Crown, her Majesty's government have been advised that there is not sufficient evidence to warrant any interference with the clearance or the sailing of the vessel.

The seventh section of the foreign enlistment act, 59 Geo. III, cap. 69, applies to the equipment of a vessel for the purpose of being employed in the service of a foreign state as a transport or cruiser, but has no reference to the mere nature of the cargo on board, and there is at present no proved intention that the vessel itself is to be employed for a warlike purpose.

The persons engaged in the venture must take the consequences which, according to the law of nations, may happen to ensue during transit, owing to a portion of the cargo loaded by them being contraband of war.

I am, &c.,
(Signed) RUSSELL.

The Bermuda was doubtless intended for blockade-running, for which purpose alone she was employed. She sailed from Liverpool with cargo for Savannah, and succeeded in entering that port and returning thence to Liverpool. On her second voyage she was captured by a United States ship, and was condemned as prize.

The vessels to which Mr. Adams next called the attention of Her Majesty's government were the Oreto, or Florida, and the Alabama, originally known as "No. 290." The facts which are within the knowledge of Her Britannic Majesty's government, relating to the preparation, departure, and subsequent history of these two vessels, are fully stated in Parts V and VI of this case.

THE HECTOR.

In November, 1862, Mr. Adams made inquiry of Earl Russell respecting a vessel then in course of construction at Glasgow, which subsequently became Her Majesty's ship Hector. He was informed in answer

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[1] Appendix, vol. ii, p. 138.

(as the fact was) that the vessel was being built for Her Majesty's government.[1]

THE GEORGIANA.

The next case was that of the Georgiana.

On the 17th of January, 1863, Earl Russell received from Mr. Adams the subjoined note and inclosure:

Mr. Adams to Earl Russell.[2]

LEGATION OF THE UNITED STATES,
London, January 16, 1863.

MY LORD: It has become my painful duty to call your lordship's attention to one more of the cases in which the neutral territory of Great Britain is abused by evil-disposed persons for the worst of purposes in the present war. I have the honor to transmit a copy of a letter addressed to me by the consul of the United States at London, giving the particulars based upon credible information received by him, the authority for which it is not in his power at present to disclose. As the vessel is known to be on the eve of departure from the port of Liverpool, I fear I have not the time necessary to procure corroborative evidence from that place. Under these circumstances I feel myself impelled to make this representation without further delay. I have reason to believe that the vessel in question is intended to pursue a similar course with that formerly called No. 290, to wit, the destruction of the commerce of the United States. I therefore solicit the interposition of Her Majesty's government, at least so far as to enable me to procure further evidence to establish the proof of the allegations here made, in season for the prevention of this nefarious enterprise.

Praying, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[34] *Inclosure.]

Mr. Morse to Mr. Adams.

CONSULATE OF THE UNITED STATES,
London, January 16, 1863.

SIR: I have information, on evidence which secures my belief, that the iron screw-steamer Georgiana, Captain Davidson, now in Sandon graving dock, Liverpool, is intended for a confederate privateer, and is now fitting for the business of privateering. She was built in the yard of Mr. Laurie, at Glasgow. Mr. George Wigg, of New Orleans, contracted to have her built. She is now, I presume, but temporarily (for security, until she gets off) registered in the name of Niel Mathieson, secretary of the Confederate Aid Association at Glasgow. She is so constructed that armor plating could be put on to her at any time after leaving the port where she was constructed.

She is a well-built, fast vessel, rigged for fore-and-aft sails, and is over 400 tons, net measurement. She left Glasgow for Liverpool on the 3d of the present month, and is now at the last-named port preparing for sea. She has port-holes cut for four rifled cannon, and bolts, &c., arranged for them, since she left Glasgow; and also a portion of her armor plating put on, and small-arms enough for a crew of privateersmen. She will take some forty or fifty men, all told, from Liverpool, and make up a full crew after leaving. Among those now engaged is a gunner, once a sergeant in the royal artillery. She is advertised for Nassau, and will pretend to go out as a regular trader.

I regret that I am unable to sustain the above statement by the affidavits of my informants; but I am bound in honor not to use their names. My information concerning this steamer, for the last five or six weeks, confirms the accuracy of the statement, and I have full confidence in its truth.

The Georgiana will call at Queenstown for coal.

Your obedient servant,
(Signed) F. H. MORSE, *Consul.*

Immediately on receiving the said note and inclosure, Earl Russell sent copies of them to the proper departments of the executive government, with a request that instant inquiry might be made; and on the same 17th January, 1863, he wrote to Mr. Adams as follows:[3]

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[1] Appendix, vol. ii, p. 143. [2] Ibid., p. 147 [3] Ibid., p. 148.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 17, 1863.

SIR: I have the honor to acknowledge the receipt this day of your letter of the 16th instant, inclosing a letter from the United States consul in London, giving the particulars based upon credible information received by him, the authority for which it is not in his power at present to disclose, respecting an iron screw-steamer named the Georgiana, Captain Davidson, now lying in the Sandon graving dock, at Liverpool, which he believes to be intended for a confederate privateer, and to be now fitting out for the business of privateering.

I have communicated copies of your letter and of its inclosure to the board of treasury, and to the secretary of state for the home department, without delay; and I have requested that orders might be sent by telegraph to the proper authorities at Liverpool enjoining them to take such steps in the matter as may legally be taken.

I think it right, however, to observe that Her Majesty's government cannot be answerable for any difficulty which may be experienced in carrying out those orders, in consequence of the evidence on which the statement of the United State consul is made being withheld from them.

I have, &c.,
(Signed) RUSSELL.

A telegraphic dispatch directing an immediate investigation was, on the same day, sent to Mr. Price Edwards, the collector of customs at Liverpool.

The vessel and her papers were examined accordingly, and on the following day (Sunday) the collector reported by telegraph the results of such examination as follows:[1]

Georgiana, British, 407 tons register; brig rig; cargo, merchandise, provisions, and drugs; no guns on deck; no fitting for guns on board; one cwt. powder; iron bulwarks; no port-holes for guns; no fittings for guns on board; a fast vessel; forty, crew; not fitted as a privateer; better adapted for running the blockade; cleared out for Nassau; now in the Mersey, and is intended to leave to-day, say 4 p. m.

SUNDAY, *January* 18.

Detailed reports of the examination were subsequently made by the officers employed for the purpose, and were as follows:[2]

Report of the surveyor of customs, Liverpool, to the collector of customs, Liverpool.

SUNDAY, *January* 18, 1863.

SIR: Last night, about 10 o'clock, I received the telegram sent to you relative to the Georgiana, but being too late, I had no alternative but to wait till this morning early, when I went in search of the vessel, and found that she had hauled into the river on Saturday.

[35] *I gave directions to the acting assistant surveyor, Mr. Webb, to accompany me to her, but, as we were going, I met the master of her, (Davidson,) who informed me that all the ships papers were ashore.

I then accompanied the master, while Webb went to the vessel. On my inspecting the papers, I found nothing to induce the suspicion that she was intended for privateering. She had a great many bills of lading, in which the goods (cargo) were consigned to parties at Nassau.

Among other things, there were a great many packages of drugs, which convinced me that they were intended to run through the blockade.

I also saw the ship's articles, upon which the names of all the crew stood. The amounts set against their respective names, forty in number, were not higher rates of wages than usual; and his charter-party was in the usual style, and destined him to Nassau, Havana, or New Orleans.

On the return of the officer from the ship, he stated that she had no port-holes, no guns, and no fittings for guns on deck, and nothing to denote that she was intended for a privateer.

Under these circumstances I am respectfully of opinion that she is in no way subject to detention.

Very respectfully, &c.
(Signed) C. MORGAN, *Surveyor*.
The COLLECTOR.

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[1] Appendix, vol. ii, p. 149.

[2] Ibid., p. 151.

Declaration of the acting assistant surveyor of customs, Liverpool.[1]

I have been in the service of the customs nearly twenty-seven years. I entered the service as a tide-waiter. Yesterday morning (Sunday) the surveyor, Mr. Morgan, called at my house (for it was my turn off duty) about 7.30, and asked me if I knew where the Georgiana was lying. I told him she had gone into the river on Saturday, and was then lying in the Mersey, opposite the watch-house. I then accompanied him toward the boarding station at the Prince's Dock Pier-head. As we were going down we met the captain, Davidson. He said he was going to the ship. Mr. Morgan then desired me to go to the ship in the river, while he turned back with the captain to see his papers. I went on board the Georgiana at about 9.30 a. m. She was about half a mile off the the great landing-stage. I went on board and had the hatches removed in order to examine the cargo. She was not above half full. She appeared to have a quantity of tea and bale goods on board; also, oil, tallow, and provisions, which I saw. There was no objection made to my going into any part of the vessel. I have seen the vessel several times before, both while she lay in the Sandon docks and in the graving-dock. She is an ordinary iron screw-steamer, *i. e.*, not built stronger than the ordinary merchant-vessel. She is brig-rigged, and not fore and aft. She has no port-holes, and no places fitted for mounting guns. It is impossible that she could have port-holes without a total change in the bulwarks, there being no support to sustain the recoil of the guns. There were eighteen or nineteen iron plates on board, lying on the top of the cargo; they were of the same thickness as the hull of the vessel—that is, the ordinary thickness for merchant-vessels.

I am satisfied, from the construction, general fitting, and adaptations of the ship, that she is in no way fitted for a privateer. I specially noticed the vessel after she came to the port, and on her arrival made several inquiries about her, and so satisfied was I then, and still am, that she was not intended for warlike purposes, that I did not consider myself called upon to make any report concerning her.

(Signed) J. WEBB.

Signed and declared before me, at the custom-house, Liverpool, this 19th day of January, 1863.

(Signed) S. PRICE EDWARDS, *Collector*.

A letter was also sent by the secretary of state for the home department to the mayor of Liverpool, requesting that inquiry should be made by the police respecting the vessel. Inquiry thus made confirmed the reports of the officers of customs, that she was not fitted or intended for war. She was a vessel constructed with a view to speed for the purpose of running the blockade, slightly and hastily built. Two port-holes had been pierced in her on each side; these, it was stated, might be used to enable her to carry guns for her own protection, as many merchant-vessels do, but were intended (as the ship-builder's foreman, who superintended the piercing of them believed) chiefly for the escape of water, of which, from her great speed, she would ship large quantities in a heavy sea.[2]

All the information thus obtained was transmitted at once to Mr. Adams.

The Georgiana sailed from Liverpool on the 21st January, 1863, with a general cargo for Nassau, and thence for Charleston, as a blockade-runner. In attempting to enter Charleston harbor she was chased and fired upon by the blockading vessels, and was run aground and wrecked.[3]

THE PHANTOM.

On the 27th March, 1863, Earl Russell received from Mr. Adams the subjoined note and inclosure.[4]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES, *London, March* 26, 1863.

MY LORD: I have the honor to transmit, for your information, the copy of an extract of a letter received by me from Mr. Dudley, the consul at Liverpool, giving

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[1] Appendix, vol. ii, p. 152.

[2] Ibid., pp. 154, 155, 156.

[3] Ibid., p. 160.

[4] Ibid., p. 167.

[35] some particulars of hostile outfits making* at that place. It is proper to add, in correction of a statement therein contained, that Mr. Dudley has to-day informed me that the Southerner has not yet reached Liverpool. There is little doubt, however, of its ultimate destination.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE, *Liverpool, March* 24, 1863.

SIR: On Saturday last Mr. William C. Miller & Son launched from their yard, in Liverpool, an iron screw-steamer, called the Phantom, built for Fraser, Trenholm & Co. This vessel is large and to have great speed. The contract is not less than seventeen nautical miles per hour. Her engines are being made by Fawcett, Preston & Co. She has three port-holes on each side. Captain Bullock, Captain Tessier, Mr. Prioleau, the leading members of the firm of Fraser, Trenholm & Co., Mr. Thomas, of the firm of Fawcett, Preston & Co., and others were present at the launch. She is intended for the South, either as a privateer or blockade-runner; there is no doubt about this, I think. She will turn up a privateer. Her draught of water will be light, and with her powerful engines her speed will be very fast. When afloat she will be a most dangerous craft to our commerce, if armed with two or three guns.

I have on several occasions referred to the steamer built at Stockton for Fraser, Trenholm & Co., called the Southerner. This vessel came here yesterday either to coal or else to fit out as a privateer. There is no doubt about this vessel. I suppose it will be impossible for me to obtain legal evidence against these two vessels, and nothing short of this will satisfy this Government.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

The receipt of this note was immediately acknowledged by Earl Russell, and Mr. Adams was informed that the proper departments of Her Majesty's government would be requested to make immediate inquiries on the subject.

On the same 27th March, 1863, Earl Russell sent copies of the said note and inclosure to the proper departments, with a request that instant inquiry should be made, and on the following day he wrote to Mr. Adams as follows:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 28, 1863.

SIR: With reference to my letter of yesterday's date, I have the honor to inform you that I have received from the Home Office a copy of a letter which has been addressed to the Mayor of Liverpool respecting the two vessels, Phantom and Southerner, stated by the United Consul at that port to be fitting out for the service of the so-styled Confederate States.

In that letter the mayor of Liverpool is instructed to make immediate inquiries as to these vessels, or whichever of them is now at Liverpool, and to ascertain whether there is any reason to believe that they or either of them are or is being equipped, furnished, fitted out, or armed with the intent to commit hostilities against the United States Government; and, if so, to report whether any evidence on oath can be procured in order to proceedings being taken under the foreign enlistment act.

I have accordingly the honor to suggest that, as the United States consul at Liverpool has stated in his letter to you that there is no doubt with respect to the vessel named the Southerner, you should instruct that officer to furnish the mayor of Liverpool with the information on which his belief is founded.

I have, &c.
(Signed) RUSSELL.

The officers of customs at Liverpool made prompt and careful inquiry into the matters alleged by Mr. Adams, and inquiry was also made under the direction of the mayor of Liverpool, and the result of such inquiries was, on the 3d April, 1863, communicated by Earl Russell to Mr. Adams in the following note:[2]

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[1] Appendix, vol. ii. p. 168.

[2] Ibid., p. 170.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 3, 1863.

SIR: Since the date of my letter of the 27th ultimo, I have received from the board of the treasury a report made by the commissioners of customs, under date of the 31st ultimo, and from the secretary of state for the home department a report from the mayor of Liverpool, bearing the same date, containing the result of inquiries made by them in regard to the vessels Phantom and Southerner, denounced by you in your letter of the 26th ultimo as intended for the naval service of the so-called Confederate States.

It appears from the first of these reports that the Phantom was built at the yard of Mr. W. C. Miller, and is now in the Clarence graving-dock. Her length is 193 feet; her breadth, 22 feet; her depth, 12 feet; her gross tonnage, 321; and her probable register tonnage, 160.

From the considerable space appropriated to her engines, and from her model, there seems to be no doubt a high rate of speed will be obtained; and from her light [37] draught of water she is well adapted * for running the blockade; but as she has steel plates only half an inch thick, and as the angle-irons which compose the deck beams are only five by three and a half inches thick, and as, moreover, she has no ports except for water-way, (three in all,) and a hurricane-house on deck, the surveyor of customs considers that she is not intended to carry guns, and that she is not fit for a privateer.

The mayor of Liverpool reports that the Phantom was launched on the 21st of March from the yard of Messrs. Miller & Co., and that her engines are being made and fitted by Messrs. Fawcett, Preston & Co., of Liverpool; that she is in an unfinished state, and not expected to proceed to sea under a fortnight or three weeks. No distinct information could be obtained as to what she is intended for, but a strong impression exists that she is destined for the purpose of running the blockade.

The Southerner has not yet arrived at Liverpool.

A strict watch will be kept as regards both vessels.

I have, &c.,
(Signed) RUSSELL.

On the 7th April, 1863, Earl Russell received from Mr. Adams the following note:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 6, 1863.

MY LORD: I have the honor to acknowledge the reception of notes from your lordship, dated the 27th and 31st of March, and two on the 3d of April, in reply to certain representations of mine concerning vessels believed to be in preparation at Liverpool, for the carrying on of hostilities at sea, against the commerce of the United States. It is a source of great satisfaction to me to recognize the readiness which Her Majesty's government has thus manifested to make the investigations desired, as well as to receive the assurances of its determination to maintain a close observation of future movements of an unusual character, that justify suspicions of any evil intent.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Mr. Adams subsequently (viz, on the 16th, 19th, and 23d May, 1863)[2] sent to Earl Russell copies of several sworn depositions made by a detective police officer at Liverpool who had been employed to watch the ship-building yards, and by other persons. These depositions tended to show that the building and fitting of the Phantom was superintended by persons in the employ of Messrs. Fawcett, Preston & Co., a firm of iron-founders and engineers carryingon a very extensive business at Liverpool, (a member of which firm was the registered owner of the vessel.) It also appeared from the depositions that a Captain Bullock (to whom reference will be made hereafter) took part in superintending the work; and it was further sworn by two of the deponents (who were police-constables) that the vessel was entirely cased in steel plates; that she had three port-holes on each side, with steel-plate shutters; that she had very little room for cargo; and that she appeared to them to be built for war purposes.

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[1] Appendix, vol. ii, p. 171.

[2] Ibid., pp. 171, 173, 176.

Immediately on the receipt of these depositions, further inquiries were directed by Her Majesty's government, and were prosecuted accordingly, and the result of them was, on the 27th May, 1863, communicated by Earl Russell to Mr. Adams in the following note:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 27, 1863.

SIR: I had the honor, in my note of the 3d ultimo, to communicate to you the result of the inquiries which have been instituted by Her Majesty's government, on the receipt of your letter of the 26th of March, in which you denounced the Phantom steamer as being in course of construction at Liverpool as a vessel of war for the service of the so-styled Confederate States.

The evidence which I was then able to lay before you seemed to show that you had been misinformed in this respect; but as the depositions inclosed in your letters of the 16th, 19th, and 23d instant appeared to call for further inquiry, Her Majesty's government did not lose a moment in causing such further inquiry to be made, and I now proceed to communicate to you the result.

1st. With regard to the allegation that the Phantom has port-holes, the collector at Liverpool has obtained from the surveyor a report, from which it appears that, though the Phantom has ports on deck, it is evident from their size and situation that they are intended for the escape of water, and not for guns, which the strength of the deck is not sufficient to carry; moreover, the permanent fittings on deck would interfere with the working of guns. The surveyor adds that, in his opinion, the Phantom is intended for mercantile pursuits, but whether of a lawful character or for running the blockade there is no evidence to show.

2dly. The commissioners of customs, since the date of my last letter, have caused a strict watch to be kept upon the Phantom, but nothing has transpired worthy of special notice, and the several papers in regard to this vessel, including the depositions forwarded by you, having been submitted to the legal adviser of that board, he has reported that there is no evidence to warrant the slightest interference with her. Indeed it is stated that during a recent interview between that officer and Mr. Squarey, [38] the solicitor to the United States consul at Liverpool, Mr. Squarey admitted *that there was no case against the Phantom, and that the recoil of a heavy gun would shake her to pieces.

I have, &c.,

(Signed) RUSSELL.

In a subsequent note to Mr. Adams, dated 30th May, 1863, referring to the same subject, Earl Russell wrote as follows:[2]

The surveyor further observes that it is difficult for any one at all familiar with the construction and fittings of vessels intended for warlike purposes to account for the supposition that the Phantom is destined for such a service, her hull being of the most fragile character that can be conceived for a sea-going vessel, her steel-plates being but a quarter of an inch thick, and her iron frame of the same proportion.

The Phantom sailed on the 10th June, 1863, from Liverpool for Nassau, and is believed to have been employed as a blockade-runner. She was never used for war.

THE SOUTHERNER.

On the 3d June, 1863, Mr. Adams addressed to Earl Russell the following note respecting a vessel called the Southerner, alleged to be fitting out at Stockton-on-Tees:[3]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES.
London, June 3, 1863.

MY LORD: I have the honor to submit to your consideration copies of two depositions relating to a vessel which has been fitting out at Stockton-on-Tees, for some purpose not usual in times of peace. This vessel is called the Southerner, and is the same to which I called your lordship's attention in my note of the 26th of March last. I think it can scarcely admit of a doubt that she is intended to carry on the same piratical mode of warfare against the commerce of the United States now practiced by the so-called Alabama and the Oreto. The person superintending her equipment appears to be the same who was equally active in the case of No. 290. I therefore feel it is my duty to call your lordship's attention to the case, in order that the proper measures may be taken in season to prevent any evil consequences to the peace of the two countries from the escape of such a vessel.

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[1] Appendix, vol. ii, p. 177.

[2] Ibid, p. 179.

[3] Ibid., p. 187.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

In this note were inclosed two depositions, sworn by persons who had inspected the vessel. These depositions, however, furnished no evidence that she was in any way fitted or intended for war. It appeared that she had two small guns mounted on her decks; but these were afterward described by Mr. Dudley himself as "small guns, such as are usually found in passenger-vessels of her size."

In answer to Mr. Adams's note, Earl Russell, on the 4th June, 1863, wrote to Mr. Adams as follows:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 4, 1863.

SIR: Your letter of yesterday respecting the Southerner was unfortunately not delivered at the Foreign Office till 8.50 p. m., some time after the business of the day was ended and the office closed.

I have, at the earliest possible hour this morning, communicated with the treasury and home department, and I have requested that orders may at once be sent by telegraph to the proper authorities, to pay immediate attention to the circumstances set forth in your letter.

I have, &c.,
(Signed) RUSSELL.

Orders were forthwith sent accordingly, and the collectors of customs at Stockton and Middlesborough-on-Tees, at West Hartlepool, and Liverpool, respectively, were instructed by telegraph to watch the vessel, to report any suspicious circumstance, and, should there be any legal proof of a violation of the foreign enlistment act, to delay her, or, if necessary, detain her for the directions of the board of customs.

The collector of customs at Stockton, on the same day, (4th June, 1863,) reported concerning the Southerner as follows:[2]

She appears to me to be calculated for neither running nor fighting, but is certainly a very superior merchant-ship, built, I should say, expressly for carrying bales of cotton. The owners appear to me to have calculated, when they contracted about twelve months ago for building her, that the stock of cotton in America would have been [39] from some cause or other released ere now. And, as *freights upon the article would have ruled high for fast vessels, they doubtless expected to reap great profits. For the present, however, they would seem to have been disappointed. And I understand that a sister ship, built in the Tyne for the same parties, has, for want of more profitable employment, been sent to Alexandria on some miserably low freight.

This report was confirmed by the collector and the surveyor of customs at West Hartlepool and the acting surveyor of customs at Liverpool. These officers reported that she appeared to be intended for commercial purposes; that her ports were far too small for working guns, and were designed for letting away water; and that the two guns on board of her were ordinary signal-guns, mounted on carriages such as are generally used by merchant-vessels of her class, and were, as so mounted, merely fit for firing signals with blank cartridge.[3]

On the 12th June, 1863, Earl Russell wrote as follows:[4]

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[1] Appendix, vol. ii, p. 190.

[2] Ibid., p. 193.

[3] Ibid., pp. 201 and 207.

[4] Ibid., p. 203.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 12, 1863.

SIR: At the same time that I communicated to the lords of the treasury and to the secretary of state for the home department, as I informed you in my letter of the 4th instant, the statements respecting the Southerner contained in your letter of the 3d instant, I submitted those statements also to the consideration of the law advisers of the Crown; and I have since learned from them that, in their opinion, the evidence supplied by those statements would not support a charge against the vessel that she is so equipped, or fitted out, or destined, as to constitute a breach of the provisions of the foreign enlistment act, and that it consequently did not afford sufficient warrant for arresting the vessel.

The greater portion of the two depositions inclosed in your letter consists of hearsay matter, or statements of mere belief, which, according to American equally with British law, are inadmissible in a court of justice, and upon which Her Majesty's government could not legally proceed.

Attention will, nevertheless, continue to be paid to the vessel, with a view of guarding, as far as possible, against her being equipped in this country in a manner inconsistent with the provisions of the foreign enlistment act.

I have, &c.,
(Signed) RUSSELL.

On the 3d July, 1863, he again wrote as follows:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 3, 1863.

SIR: I had the honor, on the 12th of June, to communicate to you the result of the inquiries which had, up to that time, been instituted by Her Majesty's government with reference to the statements respecting the vessel Southerner, contained in your letter of the 3d of that month. I however added that attention should nevertheless continue to be paid to that vessel, with the view of guarding, as far as possible, against her being equipped in this country in a manner inconsistent with the provisions of the foreign enlistment act.

I have now to inform you, in fulfillment of that assurance, that Her Majesty's government considered it desirable to request the board of admiralty to associate with the custom-house surveyor at Liverpool an officer well acquainted with the build and equipment of vessels of war, with instructions to survey the Southerner, and to report the result to Her Majesty's government.

That officer's report has now been received, and I have the honor to acquaint you that it appears from it that the Southerner is an ordinary-built iron screw steam passenger and cargo vessel of 1,569 tons, fitted with engines of 300 horse-power; that she is also fitted with top-gallant, forecastle, and poop-deck, with deck-house continuous fore and aft with the same, in the same manner as the Inman line of screw-boats sailing between Liverpool and New York; that she is fitted up aft, under the poop-deck, with cabin accommodations for about sixty-six saloon passengers; the forecastle for the crew, and deck-houses for the ship's officers; that her holds are appropriated for the reception of cargo, and that she is fitted with steam-winches for working the same.

The admiralty surveyor further reports that he finds, upon examination, that her top sides are of iron plates three-eighths of an inch think, and are in no way fitted or secured for the working of guns; and that she has two gangways fitted one on each side amidships, for the purpose of working her cargo.

The surveyor, in conclusion, says that, upon fully examining the Southerner he cannot find anything, with regard to construction or fittings, that would lead him to suppose that she was intended for belligerent purposes.

I have, &c.,
(Signed) RUSSELL.

On the 9th August, 1863, the Southerner sailed from Liverpool, with a clearance for Alexandria, via Cardiff. She proceeded to Alexandria, and was employed in the Mediterranean in the conveyance of cotton and of passengers, and was never used for war.[2]

[40] *THE ALEXANDRA.

On the 28th March, 1863, application was made by Mr. Dudley to the collector of customs at Liverpool for the seizure of a vessel stated to be lying in one of the docks in the port of Liverpool, and called the Alexandra.[1] Mr. Dudley at the same time laid before the collector six sworn depositions, one made by himself, and the others by various other persons, tending to show that she was constructed for warlike use, and that she was intended for the service of the Confederate States.

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[1] Appendix, vol. ii, p. 208.

[2] Ibid., p. 209.

Copies of the depositions were, on the 31st March, received by Earl Russell from Mr. Adams, together with a note, in which Mr. Adams stated that he would remit no exertion to place in the hands of Her Majesty's government all the information that could be obtained. The receipt of this note was on the same day acknowledged by Earl Russell, and instructions were immediately given that whatever measures could legally be taken in view of the facts thus brought to the knowledge of Her Majesty's government should be adopted.[2] The depositions were at the same time laid before the law-officers of the Crown, in order that they might advise the government thereon.

On the 3d April, 1863, Earl Russell further wrote to Mr. Adams, as follows:[3]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 3, 1863.

SIR: With reference to my letter of the 31st ultimo, I have the honor to inform you that the secretary of state for the home department has instructed the mayor of Liverpool to cause immediate inquiries to be made with the view of ascertaining whether the Alexandra, denounced by you in your letter of the 30th ultimo, is being equipped, furnished, fitted out, or armed, with the intention of her being employed in the service of the so-called Confederate States, with intent to commit hostilities against the Federal Government of the United States; and if this should appear to be the case, the mayor is further instructed to adopt whatever steps can legally be taken in the matter.

I have, &c.,
(Signed) RUSSELL.

On the 5th April, 1863, the Alexandra was, pursuant to the direction of Her Majesty's government, seized by the officers of the customs at Liverpool, under the powers created by the seventh section of the foreign-enlistment act;[4] and proceedings were soon afterward instituted in the court of exchequer by the attorney general on behalf of the Crown, in order to obtain a condemnation of the ship under the provisions of that act.

Mr. Adams was informed that orders to seize the vessel had been given, and he, on the 6th April, 1863, wrote to Earl Russell as follows:[5]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 6, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 5th instant, in answer to mine of the 30th ultimo, making certain representations in regard to the character of a vessel in Liverpool known as the Alexandra. It is with the most lively satisfaction that I learn the decision of Her Majesty's government to detain that vessel. Believing that such an act, at the present moment, is calculated to defeat the sanguine hopes of the common enemies of both nations, to sow the seeds of dissension between them, I shall remit no effort to procure all the information possible to support it. To that end I have, agreeably to your lordship's suggestion, sent the necessary instructions to the consul of the United States at Liverpool to put himself in communication with the authorities designated at that place to pursue the subject.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[1] Appendix, vol. ii, p. 222.
[2] Ibid., p. 227.
[3] Ibid., p. 229.
[4] Ibid., p. 232.
[5] Ibid., p. 231.

On the 22d June, 1863, the cause came on for trial in the court of exchequer before the lord chief baron (the chief judge of that court) and a special jury; the attorney general, the solicitor general, and the Queen's advocate, with two other members of the bar, conducting the case for the Crown. The trial occupied three days. At the close of the third day the jury returned a verdict against the Crown and in favor of the persons claiming to be owners of the ship.[1] Application was thereupon made on behalf of the Crown to the four judges of the court of exchequer sitting as a collective court, to obtain a new trial of the cause, on the grounds, first, that the instructions which had been delivered by the lord chief baron to the jury as to the intent and interpretation of the law were erroneous; and, secondly, that the verdict was contrary to the weight of *testimony. [41] After long argument, the hearing being continued during six days, this application failed, the four judges composing the court being equally divided in opinion, and judgment was given against the Crown.[2] All the judges pronounced their opinions *seriatim* in open court. From this judgment an appeal was made on behalf of the Crown to another tribunal, (the exchequer chamber,) composed of all the judges of the superior courts of common law sitting collectively; but it was adjudged, after argument, that the jurisdiction assigned by law to this tribunal did not authorize it to entertain the appeal.

Costs and damages amounting to £3,700 were paid by the Crown, as the defeated party, to the claimants of the ship.

While these proceedings were pending, and after the verdict of the jury had been delivered, Mr. Seward addressed to Mr. Adams a dispatch, dated the 11th July, 1863, which contained the following instructions in regard to the case of the Alexandra:

> 1st. You are authorized and expected to assure Earl Russell that this Government is entirely satisfied that Her Majesty's government have conducted the proceedings in that case with perfect good faith and honor, and that they are well disposed to prevent the fitting out of armed vessels in British ports to depredate upon American commerce and to make war against the United States.
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> 2dly. This Government is satisfied that the law-officers of the Crown have performed their duties in regard to the case of the Alexandra with a sincere conviction of the adequacy of the law of Great Britain, and a sincere desire to give it effect.
>
> 3dly. The Government of the United States does not descend to inquire whether the jury in the case were or were not impartial. It willingly believes they were so, and it accepts the statement made with so much unanimity by all the reporters of the case, that the judge who presided at the trial made the bench responsible for the verdict by the boldness and directness of his rulings against the prosecution.
>
> 4thly. Great Britain being a free and constitutional country, and the proceedings in the case of the Alexandra having been thus far conducted by the government in good faith, and according to law, the United States would not be justified in deeming the verdict rendered by the jury a cause of national complaint, provided that the government prosecutes an appeal to the higher courts until it be determined in the court of last resort whether the law is adequate to the maintenance of the neutrality which Her Majesty has proclaimed, and provided, also, that in the mean time the Alexandra and other vessels that may be found violating or preparing to violate the law be prevented, as far as the law may allow, from leaving British ports to prosecute their work of devastation.

During the whole course of these proceedings, viz, from the 5th April, 1863, to the 24th April, 1864, the Alexandra remained under seizure and in the possession of the officers of customs.

At the end of that time, the executive having no legal power to detain her, she came again into the possession of Messrs. Fawcett, Preston & Co., the persons claiming to be her owners, by whom she was, in June, 1864, sold to a Mr. Henry Lafone, a merchant residing at Liverpool. By her new owner her name was then changed to "The Mary;" her fittings on deck and below were altered and made apparently suitable to a vessel of commerce; and in July, 1854, she sailed from Liverpool for Bermuda and thence to Halifax. Mr. Seward, on being informed of her arrival there, wrote as follows to Mr. Hume Burnley, Her Britannic Majesty's chargé d'affaires at Washington:[1]

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[1] Appendix, vol. iii, p. 56.

[2] Ibid., p. 57.

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 13, 1864.

SIR: This Department has been informed that the steamer Mary, which formerly, under the name of the Alexandra, was charged in the British courts with having been built for the naval service of the insurgents, has arrived at Halifax for the supposed purpose of there being armed and equipped for that service.

It is consequently suggested that you communicate with the governor of Nova Scotia, in order that the hostile designs of that vessel against the United States and their shipping may not be carried into effect from any port within his jurisdiction.

I have, &c.,
(Signed) WILLIAM H. SEWARD.

A copy of this note was at once transmitted by Mr. Burnley to the lieutenant governor of Nova Scotia, who replied as follows:

Lieutenant Governor Macdonnell to Mr. Burnley.

GOVERNMENT HOUSE,
Halifax, Nova Scotia, September 30, 1864.

SIR: I have the honor to acknowledge the receipt of yours of the 13th instant, which did not reach me till the 28th instant. Your letter incloses a communication [42] from Mr. Seward, representing that *the Mary, formerly the Alexandra, has arrived at Halifax for the supposed purpose of being armed and equipped for the confederate service.

Mr. Seward therefore suggests that you should communicate with me, in order that the hostile designs of that vessel against the United States and their shipping may not be carried into effect from any port within my jurisdiction.

In reply, I have to state that, in future, as heretofore, my most strenuous exertions shall be directed to maintaining within the neutral waters of this portion of Her Majesty's dominions the strictest observance of those orders which have been issued for my guidance in reference to belligerent cruisers, whether Federal or confederate.

I cannot, however, interfere with any vessel British-owned, in a British harbor, on mere suspicion; nevertheless I have so decided a determination to prevent any abuse of the accommodation afforded by this port to any party, that I have instituted inquiry, for my own satisfaction, into the rumored destination of the Mary. I have even directed that the Mary shall be watched, and am prepared to interfere, if any illegal equipment of that vessel, for warlike purposes, be attempted in this province.

At the same time you may inform Mr. Seward that the result of my inquiries hitherto leads me to suppose that the Mary, although originally strongly built, and apparently intended for warlike purposes, is now lying here an embarrassment to her owners, unsalable and unserviceable, either as an ordinary merchantman or a cruiser. Her speed under steam does not exceed four and a half knots, and I believe she is considered a failure, whatever may have been her original destination. Therefore no difficulty is likely to arise in her case.

I have, &c.,
(Signed) R. G. MACDONNELL,
Lieutenant Governor, &c.

The Mary returned in November from Halifax to Bermuda, and thence proceeded to Nassau, where, on the 13th December, 1864, she was seized by order of the governor, and proceedings were instituted against her in the vice-admiralty court of the colony,[2] it having been discovered that she had taken on board at Bermuda certain packages the contents of which afforded some evidence that a design existed of employing her in the naval service of the Confederate States. The cause was heard on the 22d and 23d May, 1865, and on the 30th May the court decided that there was no "reasonably sufficient" evidence of illegal intent to support a sentence of forfeiture, and the vessel was accordingly released.[1] The war had by that time terminated, and all armed resistance to the authority of the Government of the United States was at an end. The costs and expenses which the colonial government incurred by the seizure of the vessel amounted to £311 18*s.*

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[1] Appendix, vol. ii, p. 272.

[2] Ibid., p. 258.

El Tousson and El Monassir, (iron-clad rams.)

On the 7th July, 1863, Mr. Dudley made formal application to the collector of customs at Liverpool to seize, under the provisions of the above-mentioned act, a vessel described by him (Mr. Dudley) as "an iron-clad steam-vessel of war," launched three days before and then lying at Birkenhead.[2] He at the same time laid before the collector several depositions on oath, sworn by himself and various other persons, in which it was stated that two iron-clad steamships, similar in all material respects to each other, had for many months been in process of construction in the ship-building yard of Messrs. Laird & Co., ship-builders of Birkenhead; that they were of very great strength and manifestly designed for vessels of war; that each was furnished with a ram or piercer of wrought-iron projecting under the water-line, and was also prepared to receive two iron turrets for heavy guns, and that two of such turrets were being constructed in the yard. One only of the said vessels had been launched, and to this Mr. Dudley's application related. The said depositions contained also allegations tending to show that the vessels were intended for the naval service of the Confederate States.

Copies of these depositions and of Mr. Dudley's application were, on the 11th July, 1863, sent by Mr. Adams to Earl Russell.[3]

On the 13th July these depositions were referred to the proper departments of the government, and to the law-officers of the Crown.[4]

That these two vessels were in course of construction had for a long time been known to Mr. Dudley, and he had sent information respecting them to the Government of the United States, commencing in the month of July, 1862. It was Mr. Dudley's opinion that they would be most formidable ships, possessing more power and speed than any iron-clads previously built, and so heavily plated as to be invulnerable.

Further depositions in support of the application were subsequently submitted by Mr. Dudley to the collector of customs, and transmitted by Mr. Adams to Earl Russell.[5]

The second of the two vessels above mentioned was launched on the 29th August, 1863; and an application, supported by sworn [43] depositions, for the seizure of her was, on *the 1st September, 1863, made by Mr. Dudley to the collector of customs at Liverpool. Copies of these further depositions were sent by Mr. Adams to Earl Russell.[6]

Her Majesty's government had, at the earliest moment, given directions that a strict watch should be kept over the vessels, and that diligent inquiry should be made for the purpose of ascertaining their character and destination.

It was at first reported that they were built for the government of France. Subsequently, they were claimed by a M. Bravay, a French merchant and member of a firm carrying on business in Paris, who stated that he had purchased them on account of the Pasha of Egypt. M. Bravay had in fact, in August, 1863, made an application to the French government, stating the alleged purchase, and requesting that the good offices of the French embassy in London might be used in his behalf, in order to enable him to send the vessels to Alexandria;[1] and it further appeared that he had, in February, 1863, made a claim upon the Pasha's government on account of two iron-clad vessels of war which he affirmed that he had been ordered to procure by the then Pasha's predecessor (who died in 1862) and for which he alleged that he had paid a large sum on account.[2] Finally, he produced to the British naval attaché at Paris a number of papers relating to the vessels, and furnished him with a copy of a legal instrument, dated 18th July, 1863, from which it appeared that the iron-clads had, in fact, been built to the order of Bullock, but that Bullock's interest in them had been transferred, or purported to be transferred, to Bravay.[3]

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[1] Appendix, vol. ii, p. 286.

[2] Ibid., p. 317.

[3] Ibid., p. 315.

[4] Ibid., p. 323.

[5] Ibid., pp. 326, 333.

[6] Ibid., pp. 345, 349.

On the 28th August, 1863, Her Britannic Majesty's consul general in Egypt reported to the government that the Pasha of Egypt refused to ratify the order alleged to have been given by his predecessor, or to purchase the vessels. This report was received by the government on the 5th September.[4]

On the same 5th September the builders of the vessels, in reply to an inquiry addressed to them by the under secretary of state for foreign affairs, wrote to him as follows:[5]

Messrs. Laird Brothers to Her Majesty's Foreign Office.

BIRKENHEAD, *September* 5, 1863.

SIR: We have received your letter of the 4th instant, stating that Lord Russell has instructed you to request us to inform him, with as little delay as possible, on whose account and with what destination we have built the iron-clad vessel recently launched and now in course of completion at our works.

In reply, we beg to say that although it is not usual for ship-builders to declare the names of parties for whom they are building vessels until the vessels are completed and the owners have taken possession, yet in this particular case, in consequence of the many rumors afloat, coupled with the repeated visits of Mr. Morgan, the surveyor of customs, to our works, we thought it right to ask permission of the parties on whose account we are building the vessels to give their names to the English government, in the event of such information being asked for officially in writing.

They at once granted us the permission we sought for.

We therefore beg to inform you that the firm on whose account we are building the vessels is A. Bravay & Co., and that their address is No. 6 Rue de Londres, Paris, and that our engagement is to deliver the vessels to them in the port of Liverpool when they are completed according to our contract.

The time in which we expect to have the first vessel so completed is not less than one month from this date, and the second not less than six or seven weeks from this date.

We are, &c.,
(Signed) LAIRD BROTHERS.

A. H. LAYARD, Esq., M. P.

The inquiries directed by Her Majesty's government were actively prosecuted, and, although they led to no conclusive result, nevertheless convinced the government that there was a reasonable prospect of obtaining sufficient evidence as to the destination of the vessels. On the 9th September, 1863, both vessels being then in an unfinished state, the following notice was sent to the builders by the secretary of the treasury:

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[1] Appendix, vol. ii, p. 339.

[2] Ibid., p. 315.

[3] Ibid., p. 372.

[4] Ibid., p. 353.

[5] Ibid., p. 355.

Her Majesty's Treasury to Messrs. Laird Brothers.

TREASURY CHAMBERS, *September* 9, 1863.

GENTLEMEN: I am desired by my lords commissioners of Her Majesty's treasury to acquaint you that their lordships have felt it their duty to issue orders to the commissioners of customs that the two iron-clad steamers now in the course of completion in your dock at Birkenhead are not to be permitted to leave the Mersey until satisfactory evidence can be given of their destination, or at least until the inquiries which are now being prosecuted with a view to obtain such evidence shall have been brought to a conclusion.

I am, &c.,
(Signed) GEORGE A. HAMILTON.

Messrs. LAIRD & CO., *Birkenhead.*

[44] * The builders replied as follows:[1]

In reply, we beg to inform you that we have forwarded a copy of your letter to Messrs. A. Bravay & Co., at No. 6 Rue de Londres, Paris, on whose account we are building the vessels, and to whom we beg to refer you for further information; inasmuch as our engagement with them is to deliver the vessels at the port of Liverpool when they are completed according to our contract.

The builders having informed the collector of customs that they wished to take the vessel which was nearest completion (named El Tousson) for a trial trip, in order to test the machinery, but with an assurance that she should be brought back again, they were told that circumstances had come to the knowledge of the government which gave rise to an apprehension that an attempt might be made, without the privity and against the intention of the builders themselves, to carry away the vessel by force while on such trial-trip.[2] The government, therefore, could not permit the trip to take place, unless on the condition that a force of seamen and marines, from Her Majesty's channel fleet, (which was then in the Mersey), sufficient to defeat any such attempt, should be placed on board of the vessel.

On the 7th October, 1863, the builders were told that in consequence of further information received by the government, it was deemed necessary to place an officer of the customs on board the vessel named El Tousson, with authority to seize her on behalf of the Crown in the event of any atrempt being made to remove her from her actual position, and that he was instructed to obtain from the commanding officer of Her Majesty's ship of war Majestic any protection which might be necessary to support him in the execution of his duty.[3]

On the 9th October, 1863, orders were issued to seize both the vessels, and they were seized accordingly.[4] The vessel remained under seizure from that time until the month of May, 1864, when they were, by agreement, sold and transferred to Her Majesty's government for the aggregate sum of £220,000.[5] The evidence which the government had up to that time been able to obtain was so imperfect as to make the event of a trial doubtful; and in agreeing to the purchase, Her Majesty's government was mainly actuated by a desire to prevent by any means within its power (however costly) vessels of so formidable a character, constructed in a British port, from passing directly or indirectly into the hands of a belligerent.

THE CANTON OR PAMPERO.

On the 18th October, 1863, Earl Russell received from Mr. Adams the following note, (with an inclosure:)[6]

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[1] Appendix, vol. ii., p. 358.
[2] Ibid., p. 367.
[3] Ibid., p. 387.
[4] Ibid., pp. 388, 389, *et seq.*
[5] Ibid., pp. 457, 459.
[6] Ibid., p. 467.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 17, 1863.

MY LORD: It is with great regret that I find it my duty once more to call your lordship's attention to the efforts making in this kingdom to aid the insurgents in America in carrying on their resistance to the Government of the United States. I have strong reason for believing that, in addition to a very formidable steam ram now in process of construction at the port of Glasgow, but not yet so far advanced as fully to develop her character, there is another steamer ready to be launched, called the Canton, having all the characteristics of a war-vessel, which is about to be fitted up and dispatched with the same intent from the same place. I beg leave to submit to your lordship's consideration some extracts from a letter addressed to me by W. L. Underwood, esq., the consul of the United States, giving some information in regard to this case. Mr. Underwood himself entertains no doubt of the destination of this vessel, although from the secrecy used in the process of construction and preparation, itself a cause of suspicion, he has been slow in gaining evidence on which to base a representation.

Not doubting that Her Majesty's government will take all suitable measures to ascertain the correctness of these allegations, I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

The extracts inclosed in the above note contained a description of the Canton.

The information thus furnished by Mr. Adams was immediately communicated to the proper departments of the government, and the officers of customs and local authorities were instructed to make immediate inquiry, and to take such legal measures as might prevent any attempt to infringe the law.

The inquiries thus directed were pursued for a considerable time with very little result. The vessel was carefully examined, both by the surveyor of the customs and by the commanding officer of Her Majesty's ship Hogue, stationed in the Clyde; and the *specifications on [45] which she was constructed, as well as the contract for building her, were produced and exhibited by the agents through whom the contract had been made. It appeared that, though she was being fitted up as a passenger ship, there were some peculiarities in her construction such as to render her capable of being converted, not indeed into a regular ship of war, but into a vessel serviceable for war purposes. She had been contracted for by a person resident in London, through the agency of a Glasgow firm; and this firm, as well as her builders, stated that they believed her to be intended for the merchant service, and were not aware of any intention to dispose of her to the Confederate States.

The vessel was launched on the 29th October, 1863 (her name having been previously changed to the "Pampero;")[1] and the United States consul at Glasgow soon afterward made a formal application that she might be seized, supporting it by several depositions on oath, to which others were afterward added from time to time.[2] No evidence whatever of her being intended for the confederate service, beyond vague rumor and hearsay, was furnished by the United States consul in these depositions or otherwise, nor by Mr. Adams.

By the end of November, however, the inquiries directed by the government had led to the production of some evidence, and it was eventually ascertained that the real owners of the vessels were several persons resident respectively in London, Manchester, Glasgow, and Dumbarton, and that they were under a contract to sell her to one Sinclair, calling himself a citizen of the Confederate States; but that Sinclair had lately been, and then was, desirous of canceling the contract. A letter from Sinclair, asking that the contract might be canceled, was placed in the hands of the law-officers of the Crown for Scotland, and was as follows:[1]

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[1] Appendix, vol. ii, p. 478.

[2] Ibid., p. 486.

LONDON, *September* 24, 1863.

MY DEAR SIR: When I made a contract with you in November last for the building of a steamship, I was under the impression, having taken legal advice, that there was nothing in the law of England that would prevent a British subject from building such a vessel for any foreign subject as a commercial transaction. Although the recent decision of the Court of Exchequer in the case of the Alexandra would seem to sustain the opinion, yet the evident determination of your government to yield to the pressure of the United States minister, and prevent the sailing of any vessel that may be suspected of being the property of a citizen of the Confederate States, is made so manifest that I have concluded it will be better for me to endeavor to close that contract referred to, and go where I can have more liberal action.

In these circumstances I desire to put an end to our transaction, by your returning to me the cotton certificates which I delivered to account of price, and my canceling the contract.

The increased value of shipping since the date of our transaction will, I have no doubt, enable you at once to meet my wishes in this respect. I shall feel much obliged by an early reply.

(Signed) G. SINCLAIR.

EDWARD PEMBROKE, Esq.

On the 10th December the Pampero was, by direction of Her Majesty's government, seized by the collector of customs at Glasgow, and legal proceedings were instituted to obtain a declaration of forfeiture.[2] The case was appointed to be tried in April, 1864, when, no defense being made, a verdict was entered for the Crown, and the vessel was declared forfeited. She remained under seizure until October, 1865, and was then given up to her owners, all reasons for detaining her being at an end.[3]

THE AMPHION, THE HAWK, THE VIRGINIA, THE LOUISA ANN FANNY, THE HERCULES.

In the year 1864 representations were made by Mr. Adams to Earl Russell respecting two vessels named the Amphion and Hawk; and, in the year 1865, respecting three others, the Virginia, the Louisa Ann Fanny, and the Hercules, all of which he alleged to be fitting out in ports of the United Kingdom under suspicious circumstances, and to be probably destined for the naval service of the Confederate States. In each of these cases the information furnished was immediately transmitted to the proper departments of the government, and careful inquiry was made. In none of them were any reasonable grounds of suspicion found on examination to exist, which would have justified the executive in interfering, and none of the suspected vessels were ever in fact armed or used for purposes of war. The dates at which Mr. Adams's representations in these several cases were respectively first received, and were referred for inquiry, were as follows:

The Amphion.—Received March 18, 1864; referred on the same day to the home department.[4]

[46] * *The Hawk.*—Received April 16, 1864; referred to the treasury, the home department, and the lord advocate, (the law officer of the Crown for Scotland,) April 18, 1864.[5]

The Virginia and Louisa Ann Fanny.—Received January 30, 1865; referred to the treasury, February 1, 1865.[6]

The Hercules.—Received February 7, 1865; referred to the treasury and to the home department, February 8 and 9, 1865.[7]

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[1] Appendix, vol. ii, p. 511.
[2] Ibid., p. 520.
[3] Ibid., p. 533.
[4] Ibid., pp. 566, 567.
[5] Ibid., pp. 543, 544.
[6] Ibid., pp. 595, 596.
[7] Ibid., p. 580.

In acknowledging the receipt of Mr. Adams's note respecting the Hercules, Earl Russell wrote as follows:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 8, 1865.

SIR: I have recived your letter dated the 7th instant, and delivered at the Foreign Office at a late hour yesterday evening after the close of business; but not being marked immediate, it did not come under the notice of the under-secretary of state until 1 p. m. to-day.

The matter shall be immediately attended to, but, in the mean time, I wish to call your attention to the dates of the letters which you inclose. The first letter of the United States consul at Liverpool is dated the 2d instant, and affirms that a steamer named the Hercules is fitting out in the Clyde for the confederate service, and that this vessel is to be ready for sea in eight days. The second letter which you transmit to me is dated Glasgow, the 4th instant, and contains further information respecting this vessel, and states, moreover, that the trial trip is to take place to-day.

In a former instance I was able by means of the lord advocate to prosecute the owners of a vessel building in the Clyde, and to get a verdict entered by consent, which defeated the purpose of the confederate agent. But these operations are very quick, and unless I have timely notice I can have but little hopes of stopping these nefarious transactions.

I have, &c.,

RUSSELL.

The attention of the government had been directed to the Amphion and Hawk, and inquiry made respecting them, before the receipt of any representation from Mr. Adams concerning those vessels. A vessel called the Ajax, as to which no representation had been made or information furnished, but which was suspected by some of her crew of being intended for the confederate service, was examined and searched by the officers of customs at Queenstown, and afterward, under instructions from the government, by the colonial authorities at Nassau.[2] She was not, however, found to be adapted or intended for warlike use, and was never applied to such use.

In sending information to Mr. Adams respecting the Virginia, Mr. Dudley, in a letter dated the 27th January, 1865, wrote as follows:[3]

> Like the Sea King, any steamer now destined for privateering fits away as a commercial vessel, and there is nothing about her movement before she leaves port, or until within a few hours of her leaving, when she may suddenly change owners, and her master be given authority to sell at a given sum out of British waters, to create any mistrust of the purpose of those who control her here.
>
> Under such a mode of operations it is next to impossible for us to get testimony in season, and sufficiently strong, to ask for their detention. The only course left me, therefore, is to call your attention to all cases offering any reasonable ground of suspicion, and leave them to be disposed of as you may deem most expedient.

SUMMARY.

The preceding statement of facts shows the general course of conduct pursued by Her Britannic Majesty's government, in relation to vessels alleged to be, or suspected of being, fitted out or prepared within British territory for belligerent use. It includes all the cases (except those of the Florida and Alabama, which will be presently stated) in which information that any vessel was being built, equipped, or prepared for sea in any British port, and intended, or supposed to be intended, for warlike use, was received by, or came to the knowledge of, Her Majesty's government before the departure of such vessel.

It will have been seen—

1. That in every case directions were given, without the least delay, for investigation and inquiry on the spot by the proper officers of gov-

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[1] Appendix, vol. ii, p. 582.

[2] Ibid., pp. 575, 590.

[3] Ibid., p. 596.

ernment; and these officers were ordered to keep a watchful eye on the suspected vessel; and the directions and orders so given were executed.

2. That in some cases the attention of the government had been [47] directed, before the * receipt of any communication from Mr. Adams, to vessels as to which there appeared to be ground for suspicion.

3. That as soon as any evidence was obtained it was submitted, without delay, to the law-officers of the Crown; and they were called upon to advise as to the proper course of proceeding.

4. That in every case in which reasonable evidence could be obtained the vessel was seized by the officers of the government, and proceedings were instituted against her in the proper court of law. By reasonable evidence is understood testimony which, though not conclusive, offered nevertheless a reasonable prospect that the government might be able, when the time for trying the case should arrive, to sustain the seizure in a court of law.

5. That in several of the cases in which a seizure was made the government found itself unable, or uncertain whether it would be able, to sustain the seizure by sufficient evidence, and was under the necessity of either releasing the vessel and paying the costs of the trial and detention, or of purchasing her at the public expense.

6. That in every one of the cases enumerated either the information furnished to the government proved to be erroneous, and the supposed *indicia* of an unlawful intention to be absent or deceptive, or this intention was defeated or abandoned by reason of the measures taken and the vigilance exercised by Her Majesty's government.

7. That it is easy to infer special adaptation for war from peculiarities or supposed peculiarities of construction which are really equivocal; and such inferences are liable to be fallacious, especially in cases where the vessel is constructed with a view to some employment which, though commercial, is out of the ordinary course of commerce.

CASE OF THE ANGLO-CHINESE FLOTILLA.

The steady determination of Her Britannic Majesty's government to guard against any act or occurrence which might be supposed to cast a doubt on its neutrality, and its readiness even to go beyond, for this purpose, the strict measure of its international obligations, were exemplified in the case of the iron-clad rams, and were even more strikingly shown in that of the flotilla of gun-boats equipped for service in China.

In March, 1862, the Chinese government gave authority to Mr. Lay, inspector general of Chinese customs, then on leave in England, to purchase and equip a steam-fleet for the Emperor's service;[1] and a sum of money was placed at his disposal for the purpose.

Mr. Lay accordingly entered into an agreement with Captain Sherard Osborn, an officer in Her Majesty's navy, according to which the latter was to take command-in-chief of the fleet, receiving orders from the Chinese government through Mr. Lay. Her Majesty's government, by orders in council, gave permission to enlist officers and men for this service.

In September, 1863, Captain Sherard Osborn arrived in China with the flotilla, consisting of six vessels of war. These were the Pekin, China, and Keang-soo, of six guns each, the Kwangtung and Tien-tsin of four guns, and the Amoy of two, the Thule yacht, and the Ballarat store-ship.

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[1] Appendix, vol. ii, p. 681.

A difference, however, arose between the Chinese government on the one side, and Mr. Lay and Captain Osborn on the other, as to the conditions on which Captain Osborn was to hold his command; and, this difference not having been adjusted, Captain Osborn informed Sir F. Bruce, Her Majesty's minister at Pekin, that the force would be disbanded. He asked at the same time whether Sir F. Bruce saw any objection to his surrendering to the Chinese government the eight ships which he had brought out.[1]

Sir F. Bruce thereupon informed the Chinese government and Captain Osborn of his conviction that Her Majesty's government would not have consented to the organization of this powerful squadron, unless on the understanding that it was to be placed under the orders of an officer in whose prudence and high character they had full confidence, and that he could not consent to the ships and stores being handed over to the Chinese government without instructions to that effect from Her Majesty's government.[1]

Among other reasons for this course Sir F. Bruce reported to Her Majesty's government that the ships were not such as the Chinese could manage, and that it would not be safe to sell them on the coast, as they might fall into the hands of hostile daimios in Japan, or be bought for employment as confederate cruisers in those seas.[2] The following letter from the United States minister at Pekin to Sir F. Bruce shows that he was equally alive to the latter danger:

Mr. Burlingame to Sir F. Bruce.[3]

PEKIN, *November* 7, 1863.

SIR: When the Chinese government refused the doings of its agent, Mr. Lay, and there was nothing left for Captain Osborn but to dissolve the force of the flotilla, the question was how it could be done with safety. I feared that the ships might fall into the hands of the confederates, who are supposed to have agents in China; and then there was the common apprehension from lawless men on the coast in the interest of the Taepings as well as from pirates, and the desire of the daimios in Japan to procure steamers at any price.

It was clear that the Chinese could do nothing of themselves with the steamers, and that, unless something were done by you, they would certainly fall a prey to one of these several dangers. In my solicitude on account of the rebels in my own country, I made an earnest protest against the delivery of the ships to the Chinese. You responded, in that spirit of comity which has ever distinguished our relations, that the ships should be taken back to England, and that no effort on your part should be spared to prevent them from taking a direction against the interests of my country.

Though subsequent events made it necessary for the ships to take the direction indicated by the desire of the Chinese themselves, still I should be wanting in appreciation of your conduct did I not mark it with my most heartfelt thanks, and at as early a period as possible bring it to the attention of my Government.

I have, &c.,
(Signed) A. BURLINGAME.

It was eventually arranged that Captain Osborn should send part of the flotilla to England, take the other portion to Bombay, and sell them all on account of the Chinese government.

Captain Osborn accordingly took three vessels, the Keangsoo, (6 guns,) Kwangtung, (4 guns,) and Amoy, (2 guns,) and the dispatch-boat Thule, to Bombay, where he arrived in January, 1864.[4] At his request the government of India took charge of the vessels and the military stores on board of them, and he then proceeded to England, where he arrived in February. The rest of the flotilla, consisting of the

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[1] Appendix, vol. ii, p. 682.
[2] Ibid., p. 683.
[3] Ibid., p. 689.
Ibid., p. 692.

Pekin and China, (6 guns,) the Tien-tsin, (4 guns,) and the Ballarat store-ship, were sent to England, where they arrived in April.[1]

On the first intelligence of the arrangement made with the Chinese government for disposing of these vessels in India and England, a letter was addressed by the Foreign Office to the admiralty, India Office, and Colonial Office,[2] stating that the "vessels are understood to be fully equipped for belligerent purposes, and Her Majesty's government are of opinion that it is incumbent upon them to take any precaution that may legally be within their power to prevent them from passing in their present state into the hands of any power or state engaged in hostility with another power or state in amity with Her Majesty."

It was therefore desired "that the attention of the naval, colonial, or Indian authorities, both at home and on any station abroad within Her Majesty's dominions, where the vessels may be expected to be met with, should be called to the necessity of taking such measures as may be legally within their power in furtherance of the views of Her Majesty's government in this matter; and specifically as regards Captain Osborn, who is an officer in Her Majesty's naval service, that he should be pointedly cautioned against disposing of any of the vessels to be used in the naval service of a belligerent power."

Sir F. Bruce, at Pekin, and Sir H. Parkes, at Shanghai, were instructed to make a similar communication to Captain Osborn, in case that officer was still in China when the dispatch reached them.

In anticipation of these instructions Commodore Montresor had warned Captain Osborn on his arrival at Bombay against selling the vessels, and had joined with the governor in remonstrating against any attempt to sell the Thule, which, as being an unarmed dispatch-boat, did not, in Captain Osborn's opinion, come within the same category as the armed vessels, but which the two former officers considered open to objection, as having been equipped for naval service, and capable of being adapted in some degree to belligerent purposes.[3]

The Thule was, notwithstanding, advertised for sale in Bombay on the 16th February, after Captain Osborn's departure; but the government of Bombay forbade the sale. Orders were sent from home in April to permit the sale of the Thule, but to retain the other vessels. Care was also to be taken that the Thule was not equipped as a vessel of war for either of the belligerent parties in America.[4]

The sale, however, did not take place.

[49] * The three armed vessels sent to England arrived in April, and were moored in Woolwich dock-yard. The Ballarat, being merely a store-ship, did not come under the custody of the government, and was sold.

The admiralty refused to purchase the vessels for the government; and it was settled that they should be placed at moorings in the Medway, and there retained until the objections to their sale might be removed, and that any expenses incurred by this course should be defrayed by Her Majesty's government.[5]

In the meanwhile Captain Osborn, learning that it was not the intention of the government to purchase the vessels left in charge of the Bombay authorities, wrote to ask permission to relieve himself of all responsibility, by substituting a mercantile firm at Bombay as the agents to carry out Sir Frederick Bruce's instructions for the sale of the vessels on account of the Chinese government.[5]

The matter was referred to the law-officers, who reported that the sale within Her Majesty's dominions, even to a belligerent power, of armed ships of war, already legally equipped with a view to a different object under Her Majesty's license, would not be illegal. The foreign enlistment act did not, in their opinion, prohibit such a sale. Her Majesty's government had therefore two alternatives. It might, on the one hand, inform Captain Osborn that it did not interpose any objection to his selling the vessels to any person or in any way that he might think fit; such sale (provided no addition were made to their equipments or furniture, before delivery to the purchaser, for the purposes of any belligerent power) being in no way contrary to law. If, on the other hand, the government were not prepared to take this course, it was morally bound to take upon itself the responsibility from which Captain Osborn desired to be freed.

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[1] Appendix, vol. ii, p. 700.

[2] Ibid., p. 684.

[3] Ibid., p. 695.

[4] Ibid., p. 700, 704.

[5] Ibid., p. 701.

Captain Osborn, the admiralty, and India Office were thereupon apprised that Her Majesty's government could not at present sanction the sale of the vessels in India, but was prepared to take on itself the responsibility of detaining the vessels in question unsold until further orders. A similar communication was made to the Chinese government, through Sir F. Bruce, with the assurance that the Chinese government should not ultimately lose the value of the vessels.[1]

An offer was made in December, 1864, by Messrs. Ritherdon & Thompson, to purchase the three vessels in England on behalf of a foreign government.[2] They were informed that a written guarantee would be required from the representative of the power for whom the vessels might be purchased, that they would not be used for warlike purposes against any power with whom the Queen was at peace, and that the government reserved to itself the right of refusing, without giving any reason, to sell the vessels when the name of the principal in the transaction should be disclosed. The negotiation was dropped. Overtures were also made in 1865 by Messrs. Bake & Co. to buy the vessels for the government of Mexico, but these also failed.

A committee appointed to assess the value of the vessels at the time they left China valued them, with the concurrence of Captain Osborn, at £152,500, and Mr. Wade was instructed to inform the Chinese government that the admiralty would be intrusted with the sale of them, that the amount realized would be transmitted to the Chinese government, and any loss upon the original value of the ships would be made good by Her Majesty's government. The admiralty was at the same time again cautioned against the sale of the vessels either directly or indirectly to any state or body of persons at war with a State in amity with Her Majesty.[3]

In June, 1865, the civil war in America having come to an end, the restrictions on the sale of the vessels were withdrawn; but, from the delay and consequent deterioration, the price realized fell far short of the original estimate.

The government of Egypt purchased the three vessels in England for £30,100. Of the four vessels left at Bombay, the government of India purchased two for £14,500, from which, however, a sum of £6,376 had to be deducted for dock-yard expenses. A sum of £11,250 was realized by the sale of the two remaining vessels; and the balance of £103,026 was provided by a parliamentary grant, and paid over to the Chinese government.[4]

The guns and munitions of war on board the vessels had been procured from Her Majesty's government, and they were taken back by the military authorities in England and India, and the amount remitted to the Chinese government.

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[1] Appendix, vol. ii, p. 704.

[2] Ibid., p. 710.

[3] Ibid., pp. 712–714.

[4] Ibid., p. 721.

Sir Frederick Bruce, writing in December, 1865, from Washington, to urge a speedy settlement of the Chinese claim, said, "I may mention that there is no doubt that agents *of the confederates were on [50] the look-out to purchase the more powerful vessels of the squadron from the Chinese, had they been left in their hands, and it is equally certain that the Chinese would have sold these vessels as being unsuited to them. It is not difficult to conjecture what would have been the effect on our relations with this government had any of these vessels been turned into confederate cruisers. It would have been impossible to disabuse this government and people of the idea that the flotilla was a deep-laid scheme to supply the confederates with an efficient squadron in the Pacific.[1]

And Mr. Adams, in a note to Lord Clarendon of December 28, 1865, on the same subject, wrote as follows:[2] "In a conversation which I had the honor to hold with your predecessor, the Right Honorable Earl Russell, on the 25th of February, 1864, I acquitted myself of what was to me a most agreeable duty, of signifying to Her Majesty's government the high sense entertained by that which I have the honor to represent of the friendly proceedings of Her Majesty's envoy in China, Sir Frederick Bruce, in regard to the disposition to be made of the vessels then known as the Osborn Flotilla."

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[1] Appendix, vol. ii, p. 718.

[2] Ibid., p. 719.

*PART IV.

CONSIDERATIONS PROPER TO BE KEPT IN VIEW BY THE ARBITRATORS IN REFERENCE TO THE CASES OF THE FLORIDA, ALABAMA, GEORGIA, AND SHENANDOAH.

PART IV.—Introductory statement.

In considering the facts about to be presented to the tribunal relative to the four vessels which, after having been originally procured from British ports, were employed as confederate cruisers in the war, it is right that the arbitrators should bear in mind the following propositions, to some of which their attention has already been directed in an earlier part of this case:

1. The powers possessed by Her Majesty's government to prohibit or prevent the fitting out, arming, or equipping within its jurisdiction of vessels intended for the naval service of the Confederate States, or the departure with that intent of vessels specially adapted within its jurisdiction to warlike use, were powers defined and regulated by the statute or act of Parliament of July 3, 1819, (the foreign enlistment act.)

2. The modes of prevention provided by the statute were two, of which both or either might be adopted as might be deemed most expedient, namely, (1,) the prosecution of the offender by information or indictment; (2,) the seizure of the ship, which, after seizure, might be prosecuted and condemned in the same manner as for a breach of the customs or excise laws or of the laws of trade and navigation.

3. The persons empowered to seize under the provisions of the statute were any officers of customs or excise or of Her Majesty's navy, who by law were empowered to make seizures for forfeitures incurred under the laws of customs or excise, or of trade or navigation; and the seizure was to be made in the same manner as seizures are made under those laws.

4. The customs officers were not empowered by law to make a seizure until an information on oath should have been laid before them. Nor, without such an information on oath, had any magistrate jurisdiction under the provisions of the statute.

5. After a seizure made, it was by law necessary that proceedings for the condemnation of the vessel seized should be instituted in the court of exchequer and brought to trial before a jury. In order to obtain a condemnation it was necessary to prove two things:

(*a.*) That there had been in fact an equipping, furnishing, fitting-out, or arming of the vessel, or an attempt or endeavor so to do, or an issuing or delivery of a commission for the vessel, within the dominions of the Crown;

(*b.*) That the act had been done with intent, or in order, that the vessel should be employed in belligerent operations as described in the seventh section of the statute.

6. By proof, in a British court of law, is understood the production

of evidence sufficient to create in the mind of the judge or jury (as the case may be) a reasonable and deliberate belief, such as a reasonable person would be satisfied to act upon in any important concerns of his own, of the truth of the fact to be proved. And by evidence is understood the testimony, on oath, of a witness or witnesses produced in open court, and subject to cross-examination, as to facts within his or their personal knowledge. Testimony which is mere hearsay, or as to the existence of common reports, however prevalent and however generally credited, or as to any matter not within the knowledge of the witness, is not admitted in an English court.

7. In the judgment of Her Britannic Majesty's government, and in that of its official advisers, the special adaptation of a vessel to warlike use was among the acts prohibited by the statute, provided there were sufficient proof of an unlawful intent, although the vessel might not be actually armed so as to be capable of immediate employment for war. But no court of law had pronounced a decision on this point, and the question was never raised before any such court until the trial of the case of the Alexandra in 1863.

Her Britannic Majesty's government now proceeds to state for the information of the tribunal the facts relative to the cases of the [52] Florida and Alabama. It may be here *remarked that when these cases were brought to the notice of Her Majesty's government and up to the time of the departure of the Alabama from Liverpool, there had been no instance from the commencement of the war of a vessel ascertained to have been fitted out in, or dispatched from, any British port for the purpose of engaging in hostilities against the United States. The only vessel to which the attention of Her Majesty's government had been directed before the Florida had proved to be a blockade-runner.

It may be added that the claims for the interference of Her Majesty's government in the case of these and other vessels were based, according to the statement of Mr. Adams in his letter to Earl Russell, dated October 9, 1862, on evidence considered by him to "apply directly to infringements of the municipal law, and not to anything beyond it."[1]

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[1] Appendix, vol. i, p. 216.

[53] *PART V.

STATEMENT OF FACTS RELATIVE TO THE FLORIDA.

PART V.—The Florida. On the 19th of February, 1862, Earl Russell received from Mr. Adams the following note and inclosure:

Mr. Adams to Earl Russell.[1]

LEGATION OF THE UNITED STATES,
London, February 18, 1862.

MY LORD: I have the honor to submit to your consideration the copy of an extract of a letter addressed to me by the consul of the United States at Liverpool, going to show the preparation at that port of an armed steamer evidently intended for hostile operations on the ocean. From the evidence furnished in the names of the persons stated to be concerned in her construction and outfit, I entertain little doubt that the intention is precisely that indicated in the letter of the consul, the carrying on war against the United States. The parties are the same which dispatched the Bermuda, laden with contraband of war at the time, in August last, when I had the honor of calling your lordship's attention to her position, which vessel then succeeded in running the blockade, and which now appears to be about again to depart on a like errand.

Should further evidence to sustain the allegations respecting the Oreto be held necessary to effect the object of securing the interposition of Her Majesty's government, I will make an effort to procure it in a more formal manner.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, February 17, 1862.

SIR: The gun-boat Oreto is still at this port. She is making a trial trip in the river to-day. No armament as yet on board. She has put up a second smoke-stack since I wrote you. She therefore has two funnels, three masts, and is bark-rigged. I am now informed that she is to carry eight rifled cannon, and two long swivel-guns on pivots so arranged to rake both fore and aft. No pains or expense has been spared in her construction, and when fully armed she will be a formidable and dangerous craft. In strength and armament quite equal to the Tuscarora; so I should judge from what I learn.

Mr. Miller, who built the hull, says he was employed by Fawcett, Preston & Co., and that they own the vessel. I have obtained information from many different sources, all of which goes to show that she is intended for the southern confederacy. I am satisfied that this is the case. She is ready to take her arms on board. I cannot learn whether they are to be shipped here or at some other port. Of course she is intended as a privateer. When she sails, it will be to burn and destroy whatever she meets with bearing the American flag.

The Herald sailed for Charleston on Saturday last; Captain Coxeter went out in her. The Bermuda will sail this week.

I have, &c.,
(Signed) H. DUDLEY,
United States Consul.

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[1] Appendix, vol. i, p. 1.

P. S.—The gun-carriages for the Oreto, I have just learned, were taken on board on Friday night last, in a rough state, and taken down into the hold. Fraser, Trenholm & Co. have made advances to Fawcett, Preston & Co., and Miller, the builder.

H. D.

A fortnight before the date of Mr. Adams's letter, Mr. Dudley, in writing to Mr. Seward, had mentioned the Oreto. He then said, "In my last two dispatches I called attention to the iron-screw steam gunboat Oreto or Oretis, being built at Liverpool, and fitted out by Fawcett, Preston & Co. She is now taking in her coal, and appearances indicate that she will leave here the latter part of this week with her armament. The probabilities are she will run into some small port and take it and ammunition on board. This of itself is somewhat suspicious. They pretend she is built for the Italian government, but the Italian consul here informs me that he knows nothing about it, and has no knowledge whatever of any vessel being built for his government. There is much secrecy observed about her, and I have been unable to get anything definite, but my impressions are strong that she is intended for the southern confederacy. I have communicated my impressions and all the facts to Mr. Adams, our minister in London. She has [54] one funnel, *three masts, bark-rigged, eight port-holes for guns on each side, and is to carry sixteen guns."

Mr. Adams had not, previously to his note of the 18th, made any communication respecting this vessel to Her Majesty's government.

Immediately on the receipt of Mr. Adams's note and inclosure, copies of both were sent to the secretary to the treasury, accompanied by the following letter signed by Mr. Hammond, one of the under secretaries of state for foreign affairs:[1]

FOREIGN OFFICE, *February* 19, 1862.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from Mr. Adams, inclosing an extract of a letter from the United States consul at Liverpool, in which he calls attention to a steam-vessel called the Oreto, reported to be fitting out at Liverpool as a southern privateer; and I am to request that you will move the lords commissioners of Her Majesty's treasury to cause immediate inquiries to be made respecting this vessel, and to take such steps in the matter as may be right and proper.

I am, &c.,
(Signed) E. HAMMOND.

Earl Russell on the same day acknowledged the receipt of Mr. Adams's note and inclosure, and stated (as the fact was) that he had lost no time in communicating with the proper department of government on the subject.

The commissioners of customs were instructed to inquire and report upon the matter; and on the 24th of February, 1871, the secretary to the treasury transmitted to Mr. Hammond their report, which was as follows:[1]

CUSTOM-HOUSE, *February* 22, 1862.

Your lordships having referred to us the annexed letter from Mr. Hammond, transmitting, by desire of Earl Russell, copy of a letter from Mr. Adams, inclosing an extract of a communication from the United States consul at Liverpool, in which he calls attention to a steam-vessel called the Oreto, reported to be fitting out at Liverpool as a southern privateer, and requesting that immediate inquiries may be made respecting this vessel,

We report—

That, on the receipt of your lordships' reference, we forthwith instructed our collector at Liverpool to make inquiries in regard to the vessel Oreto, and it appears from his report that she has been built by Messrs. Miller & Sons for Messrs. Fawcett, Preston & Co., engineers, of Liverpool, and is intended for the use of Messrs. Thomas Brothers, of Palermo, one of that firm having frequently visited the vessel during the process of building.

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[1] Appendix, vol. i, p. 2.

The Oreto is pierced for four guns; but she has as yet taken nothing on board but coals and ballast. She is not, at present, fitted for the reception of guns, nor are the builders aware that she is to be supplied with guns while she remains in this country. The expense of her construction has been paid, and she has been handed over to Messrs. Fawcett & Preston. Messrs. Miller & Sons state their belief that her destination is Palermo, as they have been requested to recommend a master to take her to that port, and our collector at Liverpool states that he has every reason to believe that the vessel is for the Italian government.

We beg further to add that special directions have been given to the officers at Liverpool to watch the movements of the vessel, and that we will not fail to report forthwith any circumstance which may occur worthy of your lordships' cognizance.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

The reports which the commissioners of customs had received from their officers at Liverpool were as follows:[1]

Mr. Edwards to the commissioners of customs.

LIVERPOOL, *February* 21, 1862.

HONORABLE SIRS: The builders of the vessel Oreto are Messrs. Miller & Sons. Mr. Miller is the chief surveyor for tonnage. By their note inclosed, the vessel is correctly described, and I have every reason to believe that she is for the Italian government, and not for the confederates.

It will be seen by the note of the surveyor, Mr. Morgan, which I annex, that as yet she has nothing in her, so that the information furnished to the government is, so far, incorrect.

Special directions have been given to the officers to observe the movements of the vessel, so that whatever takes place can be made known to the board at any time.

Respectfully, &c.,
(Signed) S. PRICE EDWARDS.

Mr. Miller to Mr. Edwards.

LIVERPOOL, *February* 21, 1862.

SIR: We have built the dispatch-vessel Oreto for Messrs. Fawcett, Preston & Co., engineers, of this town, who are the agents of Messrs. Thomas Brothers, of Palermo, for whose use the vessel, we understand, has been built. She is pierced for four guns; she has taken nothing whatever on board except coals and ballast; she is in no [55] way fitted for the reception of guns, as yet; nor do we know *that she is to have guns while in England. Mr. Thomas, of the firm at Palermo, frequently visited the ship while she was being built.

We have handed her over to the engineers, and have been paid for her. According to the best of my information the present destination of the vessel is Palermo; and we have been asked to recommend a master to take her out to Palermo.

I remain, &c.,
(Signed) T. MILLER.

Mr. Morgan to Mr. Edwards.

February 21, 1862.

SIR: I beg to state that I have inspected the Oreto, now lying in Toxteth Dock, agreeably with your directions issued to-day.

She is a splendid steamer, suitable for a dispatch-boat; pierced for guns, but has not any on board, nor are there any gun-carriages. Coals and ballast are all that the holds contain.

Respectfully, &c.,
(Signed) C. MORGAN, *Collector.*

A copy of the report of the commissioners of customs was sent on the 26th February by Earl Russell to Mr. Adams.

Her Britannic Majesty's minister at Turin was directed to inquire whether the vessel was intended for the use of the Italian government; and, on the 1st March, 1862, he telegraphed as follows: "Ricasoli tells me that he has no knowledge whatever of the ship Oreto, but will cause inquiry to be made."[2]

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[1] Appendix, vol. i, p. 159.

[2] Ibid., p. 3.

Up to this time no information whatever tending to prove that the vessel was intended for belligerent use had been obtained by Mr. Adams, or was possessed by Her Majesty's government. She had been built for a Liverpool firm of engineers and iron-founders, and was stated by the builders to be for the use of a firm at Palermo, a member of which (himself a native of Palermo) was known to have often visited her while building. She was pierced for guns, but not fitted for the reception of them, and had none on board. Beyond this Mr. Adams's note and Mr. Dudley's letter contained only vague hearsay and conjecture.

No further information could be obtained by Mr. Adams, or was received by Her Majesty's government, up to the time of the sailing of the ship.

On the 3d March, 1862, the Oreto was registered at the port of Liverpool, in the name of "John Henry Thomas, of Liverpool, in the county of Lancaster, merchant," as sole owner thereof. The declaration made by the said John Henry Thomas at the time of registry was as follows:[1]

Official number of ship, 44,200; *date of registry, March* 3, 1862.

General description of ship.		Port of registry.	How propelled.
Name of ship.	British or foreign built.		
Oreto	British, built at Liverpool in 1861.	Liverpool.	Screw.

Number of decks	Two.	Build	Carvel.
Number of masts	Three.	Galleries	None.
Rigged	Schooner.	Head	Shield.
Stern	Elliptic.	Frame-work	Wood.

MEASUREMENTS.

	Feet.	Tenths.
Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern-post	185	2
Main breadth to outside plank	28	3
Depth in hold from tonnage deck to ceiling at midships	13	7

TONNAGE.

	No. of tons.
Tonnage under tonnage deck	410. 41
Closed-in spaces above the tonnage deck, if any, viz:	
Space or spaces between decks	
Poop	
Round-house	
Other inclosed spaces, if any, naming them	
Gross tonnage	410. 41
Reduction for space required for propelling power	231. 90
Register tonnage	178. 51

Length of engine-room	61 feet.
Number of engines	2
Combined power, (estimated horse-power,) number of horse-power	200

[56] *I, the undersigned, John Henry Thomas, of Liverpool, county of Lancaster, merchant, declare as follows: I am a natural-born British subject, born at Palermo, in the island of Sicily, of British parents, and have never taken the oath of allegiance to any foreign state. The above general description of the ship is correct. James Alexander Duguid, whose certificate of competency or service is No. 4,073, is the master of said ship. I am entitled to be registered as owner of sixty-four shares of the said ship. To the best of my knowledge or belief no person or body of persons other than

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[1] Appendix, vol. i, p. 10.

such persons or bodies of persons as are by the merchant shipping act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And I make this solemn declaration conscientiously, believing the same to be true.

(Signed) JOHN H. THOMAS.

Made and subscribed the 1st day of March, 1862, by the above-named John Henry Thomas, in the presence of

(Signed) J. C. JOHNSTONE, Jr.,
Registrar of Shipping, Port of Liverpool.

On the 4th March, 1862, the Oreto was cleared from the office of customs, Liverpool, for Palermo and Jamaica, as appears from her victualing bill, of which the following is a copy:[1]

Victualing bill.

Pilot ——— ———. Granted number, [662.]

Port of Liverpool.—Oreto.

Bonded and drawback stores in the ———. James A. Duguid, master, for Palermo and Jamaica. Men, 52; passengers or troops, ——; guns, ——; 178 tons.

		Net quanties taken on board.
Spirits, foreign:		
Rum	per gallon	2 cases; 54 gallons.
Brandy	do	10 cases; 20 gallons.
Geneva	do	
Other spirits, not sweetened	do	
Spirits, British or plantation:		
Rum	do	
Gin	do	8 cases; 16 gallons.
Whisky	do	
Other spirits, not sweetened	do	12 cases; $23\frac{13}{32}$ gallons.
Wine	do	20 cases; 40 gallons.
Wine, (for drawback)	do	
Beer, (for drawback)	do	
Vinegar	do	
Tea	per pound	3 chests, 5 canisters; 240 lbs.
Coffee	do	4 bags; 646 lbs.
Coffee, roasted, (for drawback)	do	
Cocoa	do	
Cocoa paste	do	
Sugar, refined	per hundred-weight	1 barrel; 1 cwt. 8 lbs.
Sugar, (for drawback)	do	5 bags 3 barrels } 13 cwt. 2 qrs. 12 lbs.
Sugar, unrefined	do	
Sugar, bastard, (for drawback)	do	
Molasses	do	
Tobacco, (for drawback)	per pound	
Tobacco, negro-head	do	3 boxes; 63 lbs.
Tobacco, roll	do	
Sugars	do	2 boxes; 10 lbs.
Pepper	do	
Raisins	per hundred-weight	12 boxes; 2 cwt. 1 qr. 26 lbs.
Currants	do	11 jars; 2 cwt. 2 qr. 18 lbs.
Figs	do	
Prunes	do	
Plums	do	
Sundries	do	
Surplus stores	do	

(Signed) J. MUDIE, *Searcher.*
——— ———, 1862. ——— ———, *Collector.*
SAMUEL WAKEHAM, *Broker*, 17 *Park Lane.*

Examined.
Cleared March 4.

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[1] Appendix, vol. i, p. 8.

The above victualing bill is in the usual form, printed, with blanks to be filled up according to the facts in each case. The blanks [57] following the words "passengers or *troops" and the word "guns," respectively, are equivalent to the statement that the vessel had on board no passengers or troops, and no guns. The words "178 tons" denote the registered tonnage of the ship.

It may be convenient here to explain briefly what is meant by the words "registry" and "clearance," and what are the duties of the officers empowered to register ships, and of the officers of the customs in respect to granting clearances.

Registry signifies the recording, in a book kept for that purpose, of the name of a ship which the owner desires to have recognized as a British ship, together with certain particulars composing a general description of the ship.

The effect of registry is to entitle the ship to use the British flag and assume the British national character. The conditions necessary for obtaining registry, in the case of a ship not already registered, are the production to the registrar of a certificate by the builder, in a form prescribed by law, and of a declaration (also in a prescribed form) that the ship is British-owned.

It is not the duty of the registrar to question or ascertain the accuracy of either the builder's certificate or the declaration of ownership. As a ministerial officer, he is bound to accept them, if tendered to him. For false statements in the certificate the builder is liable to a penalty; and for making a willfully false declaration, the owner is liable to be indicted for a misdemeanor, and to forfeit his interest in the ship.

In Great Britain, as in the United States, the law does not positively require the registration of any vessel. But the disadvantages and disabilities incurred by omitting to procure it are practically sufficient to make the registration of British-owned ships universal.

The register, though in ordinary questions arising under municipal law evidence of the title of the person registered as owner, is not conclusive in a question arising between other parties, nor is it necessarily sufficient proof of the national character of the ship. A transfer to a foreigner, at sea or beyond seas, of a registered British ship, is sufficient to change its ownership and the nationality of the vessel, though not followed by any registry. The law of registry is a part of the law by which British trade and navigation are regulated for fiscal and other purposes; and a ship is registered as British on the voluntary declaration of the person claiming to be owner, without further proof.

The number of vessels which were placed on the registers of the various ports of the United Kingdom in the year 1870 was 1,043, of which 970 were built within the United Kingdom.

Clearance signifies the final official act by which the proper officer of customs notifies that all has been done which the law requires to be done before the departure of ship and cargo. It is purely for customs purposes, the main objects being to protect the revenue, and to secure statistics as to the number of ships and quantity of merchandise entering and leaving British ports. As there are in ordinary times no restrictions or duties on the export of articles of any kind from the United Kingdom, no rigid inspection is exercised by the customs authorities over the general nature of the goods shipped on board vessels in British ports. The attention of the authorities is mainly directed to the shipment of those articles on which an exemption from import duties otherwise payable, or a remission of import duties already paid, is claimed on the ground of their exportation abroad. The object of the inspection is to ascertain that the goods of this nature stated to be thus exported are really shipped and carried away on board the vessel. The agents who ship such goods furnish the customs department with statements in the form of shipping-bills, of the amount and nature thereof, and it is the duty of the examining officer to ascertain that the packages placed on board the vessel correspond with these statements. Before starting on his voyage the master of the vessel is bound to produce a paper called a content, giving the number and description of any packages of merchandise shipped on board, on which exemption from, or remission of duty is claimed, but merely specifying any other articles as "sundry packages of free goods." The master has also to produce a victualing bill, enumerating the amount of stores liable to duty, (such as tea, spirits, tobacco, and the like,) which he has shipped for the use of his crew. These papers are compared with the shipping-bills and certificates already in the possession of the customs authorities, and if they are found to tally, a label, signed and sealed by the examining officer and collector, is affixed to the victualing-bill and certificates, and these papers are delivered to the master as his clearance.

It is true that, for statistical purposes, the agents to the master of the vessel are required to furnish to the customs department a list, called a manifest, giving the number and description of all packages of goods, whether liable to duty or not, shipped on board the vessel, and the shipping-agents or exporters are also required to furnish specifications of all goods, described by the master on his content as "sundry packages of free goods," and subsequently further described in his manifest; but the law does not require that these* particulars should be given [58] before the vessel sails; it is complied with provided they be furnished within six days after she has cleared.

Previously to the year 1867, no penalty was attached by law to the departure of a vessel for foreign ports without a clearance, provided she was in ballast, and had on board no stores except such as were free or had paid duty. Since that date, however, clearance has been required in these as well as in other cases.

A clearance may not be granted until the master of the ship has declared the nation to which he affirms that she belongs; and a ship attempting to proceed to sea without a clearance may be detained until such a declaration has been made. The officer, however, cannot question, or require proof of, the truth of the declaration. As to the destination of the ships sailing from the United Kingdom, the officers of customs have little or no means of ascertaining this beyond the information which the master or owner gives on entering outwards. It frequently happens that a vessel entered outwards for a specified destination changes her course when at sea, and proceeds to a different destination. There are no means of preventing this.

The number of vessels clearing from ports of the United Kingdom in the course of the year is very great. In the year 1870 the number of clearances granted was 203,031. Of these 13,214 were for vessels sailing from Liverpool, and 17,037 for vessels sailing from London.

On the 22d of March, 1862,[1] the Oreto sailed from Liverpool. Her master was James Alexander Duguid, a master-mariner residing at Liverpool, and the person named in the above declaration. Her crew were hired, as appears from the articles signed by them, for a voyage from Liverpool to Palermo, and thence, if required, to a port or ports in the Mediterranean Sea or the West Indies, and back to a final port of discharge in the United Kingdom, the term not to exceed six months. They were not enlisted in the service of the Confederate States; and it is clear, from what subsequently occurred at Nassau, that they had no intention whatever of entering that service, and had at the time of sailing no knowledge or suspicion that the vessel was intended to be employed as a confederate ship of war.

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[1] Appendix, vol. i, p. 161.

The subjoined statements, made in the month of August, 1862, for the information of the commissioners of customs and of Her Majesty's government, by officers of the customs at Liverpool, and by the pilot who took the Oreto out of the Mersey, further show what was the condition of the vessel at the time of her departure, and the precautions taken in respect of her:[1]

Statement of Mr. Edward Morgan.

I am one of the surveyors of customs at this port; pursuant to instructions I received from the collector on the 21st of February in the present year and at subsequent dates, I visited the steamer Oreto at various times, when she was being fitted out in the dock, close to the yard of Messrs. Miller & Sons, the builders of the vessel. I continued this inspection from time to time until she left the dock, and I am certain that when she left the river she had no warlike stores of any kind whatever on board.

After she went into the river she was constantly watched by the boarding officers, who were directed to report to me whenever any goods were taken on board, but, in reply to my frequent inquiries, they stated nothing was put in the ship but coal.

(Signed) EDWARD MORGAN, *Surveyor.*

Statement of Mr. Henry Lloyd.

In consequence of instructions received from Mr. Morgan, surveyor, I, in conjunction with the other three surveyors of the river, kept watch on the proceedings of the vessel Oreto from the time she left the Toxteth Dock, on the 4th March last, till the day she sailed, the 22d of the same month. On one occasion I was alongside of her, and spoke to Mr. Parry, the pilot, and the chief mate. Neither I nor any of the other river surveyors saw at any time any arms or warlike ammunition of any kind taken on board, and we are perfectly satisfied that none such was taken on board during her stay in the river.

(Signed) H. LLOYD, *Examining Officer.*

Statement on oath of Mr. William Parry.

I was the pilot in charge of the ship Oreto when she left the Toxteth Dock on the 4th March, 1862. I continued on board to the day of her sailing, which was the 22d of the same month, and never left her save on Sunday, when all work was suspended. I saw the ship before the coals and provisions were taken into her; there were no munitions of war in her—that is to say, she had no guns, *carriages, shot, shell, or [59] powder; had there been any on board I must have seen it. I piloted the ship out of the Mersey to Point Lynas, off Anglesea, where I left her, and she proceeded down channel, since which she has not returned. From the time the vessel left the river until I left her she held no communication with the shore, or with any other vessel, for the purpose of receiving anything like cargo on board. I frequently saw Mr. Lloyd, the tide surveyor, alongside the ship while in the river.

(Signed) WM. PARRY.

Sworn before me, at the custom-house, Liverpool, this 23d August, 1862.

(Signed) S. PRICE EDWARDS, *Collector.*

On the 26th March, 1862, Earl Russell received from Mr. Adams a note[2] dated the previous day, which contained the following passage:

It is with great reluctance that I am drawn to the conviction that the representations made to your lordship of the purposes and destination of that vessel were delusive; and that, though at first it may have been intended for service in Sicily, yet that such an intention has long been abandoned, in fact, and that the pretense has been held up only the better to conceal the true object of the parties engaged. That object is to make war against the United States. All the persons thus far known to be most connected with the undertaking are either directly employed by the insurgents of the United States of America or residents of Great Britain, notoriously in sympathy with and giving aid and comfort to them on this side of the water.

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[1] Appendix, vol. i, p. 34.

[2] Ibid., p. 4.

Mr. Adams proceeded to enlarge on the dissatisfaction felt in the United States at the circumstance that the trade with blockaded ports was (as he alleged) chiefly carried on from Great Britain and her dependencies, and that this was permitted or not prevented by Her Majesty's government. He added:

> The duty of nations in amity with each other would seem to be plain not to suffer their good faith to be violated by ill-disposed persons within their borders, merely from the inefficacy of their prohibitory policy. Such is the view which my government has been disposed to take of its own obligations in similar cases, and such it doubts not is that of all foreign nations with which it is at peace. It is for that reason I deprecate the inference that may be drawn from the issue of the investigation which your lordship caused to be made in the case of the Oreto, should that vessel be ultimately found issuing safely from this kingdom, and preying on the commerce of the people of the United States. Not doubting myself the sincerity and earnest desire of your lordship to do all that is within your power to fulfilling every requirement of international amity, it is to be feared that all the favorable effect of it may be neutralized by the later evidence of adverse results. It is no part of my intention to imply the want of fidelity or of good will in any quarter. I desire to confine myself closely within the pale of my duty, a representation of the precise causes of uneasiness between the two countries, and an earnest desire to remove them. Firmly convinced that the actual position of things in connection with the hostile equipment in British waters by no means does justice to the true disposition of Her Majesty's government, I am anxious to place the matter before your lordship in such a light as to obtain the evidence more perfectly to establish the truth.

In the above note Mr. Adams inclosed a copy of a letter received from Mr. Dudley, which was as follows:

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE, *Liverpool, March* 22, 1862.

SIR: The Oreto is still in the river. A flat-boat has taken part of her armament to her. A part of the crew of the steamer Annie Childs, which came to this port loaded with cotton, have just left my office. They tell me that Captain Bullock is to command the Oreto, and that four other officers for this vessel came over with them in the Childs. The names of three are Young, Low, and Maffit or Moffit; the fourth was called Eddy; the two first are lieutenants, and the two last-named midshipmen. They further state that these officers during the voyage wore naval uniforms; that they came on the Childs at a place called Smithville, some twenty miles down the river from Wilmington; that it was talked about and understood by all on board that their object in coming was to take command of this vessel, which was being built in England for the southern confederacy. They further state that it was understood in Wilmington, before they left, that several war vessels were being built in England for the South. As they were coming up the river in the Childs, as they passed the Oreto she dipped her flag to the Childs. I have had this last from several sources, and the additional fact that the same evening after the arrival of this steamer, a dinner was given in the Oreto to the officers who came over in the Childs. I understand she will make direct for Madeira and Nassau.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

[60] *The above note was dated on the third day, and received (with its inclosure) on the fourth day, after the Oreto had put to sea.

In answer to the above note, Earl Russell, on the 27th March, 1862, wrote to Mr. Adams as follows:

Earl Russell to Mr. Adams.[1]

FOREIGN OFFICE, *March* 27, 1862.

SIR: Upon receiving your letter of the 25th instant, I immediately directed that the treasury and customs department should be requested to take such steps as may be necessary to ascertain whether the Oreto is equipped for the purpose of making war on the United States, and, if that fact can be proved, to detain the vessel.

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[1] Appendix, vol. i, p. 6.

The charge that nearly all the assistance now obtained from abroad by the persons still in arms against the Government of the United States, and which enables them to continue the struggle, comes from Great Britain and its dependencies, is somewhat vague. I believe the greater part of the arms and ammunition sent from this country to America during the struggle has gone to the United States.

I agree with you in the statement that the duty of nations in amity with each other is not to suffer their good faith to be violated by ill-disposed persons within their borders, merely from the inefficacy of their prohibitory policy. But it is, at the same time, a duty not to punish persons on suspicion without any proof of their evil intent. It is not the custom of this country to deprive any person of liberty or property without evidence of some offense. If such evidence can be obtained, the laws are sufficient to prevent the accomplishment of their evil designs against friendly nations.

You have not yourself hitherto furnished me with evidence that any vessel has received a hostile or warlike equipment in British waters, which has been afterward used against the United States. The care that was taken to prevent the warlike equipment of the Nashville in British waters must be familiar to your recollection.

With regard to co-operation with the policy of the United States in respect to the blockade, I must remind you that Great Britain has abstained, as far as possible, from complaints of the irregularity of the blockade which has been instituted. Her Majesty's government have been mindful of the suddenness of the danger with which the United States were threatened; of the inadequacy of the naval force then at the disposal of the government; and of the great difficulty of blockading a coast of 3,000 miles.

But beyond forbearance, and a liberal interpretation of the law of nations in favor of the United States, Her Majesty's government cannot go. If by co-operation with the policy of the United States is meant, either taking part in the civil war still raging, or imposing restraints on the Queen's subjects unknown to international law, I cannot undertake that Her Majesty's government will adopt either of those courses. It would be an unheard of measure to prohibit merchants from sending ships to sea destined to the southern ports. Should such ships attempt to violate the blockade, capture and condemnation are the proper penalty of such attempts; no authority can be found for any other.

But while these attempts are made on the one side, the United States Government have willingly received in the ranks of their army British subjects, who violate the Queen's proclamation in order to serve against the confederates. Nay, the law of the United States, by which parents can prevent the enlistment of their sons, being minors, has been set aside to the prejudice of British subjects, the fathers and mothers of thoughtless lads of sixteen or seventeen years of age.

These evils are, perhaps, inseparable from the unhappy contest now carried on in America. I can only trust it may have a speedy termination, suitable to the reputation of the United States, and conducive to the future happiness of all the inhabitants of a country so lately prosperous and united.

I am, &c.,
(Signed) RUSSELL.

Information that the Oreto had put to sea had not at this time been received by Her Majesty's government.

On the 8th April, 1862, Earl Russell sent to Mr. Adams the following report of inquiries made respecting the Oreto by order of the commissioners of customs:[1]

CUSTOM-HOUSE, *April* 4, 1862.

Your lordships having referred to us the annexed letter from Mr. Hammond, transmitting, by desire of Earl Russell, a copy of a further letter, addressed by the United States consul at Liverpool to Mr. Adams, the United States minister at this court, in which it is again affirmed that the Oreto is being fitted out as a vessel of war for the southern confederacy, and various statements are reported in support of that assertion, and requesting that your lordships would instruct this board to give directions that the Oreto might be vigilantly watched, and that, if any armament prohibited by the foreign enlistment act should be discovered, the vessel might be at once detained.

We report—

That, on the receipt of your lordships' reference, we directed our collector at Liverpool immediately to inquire into the further allegations made in regard to the Oreto, and to govern himself in accordance with the instructions contained in Mr. Hammond's letter, and, having received the report of the collector, we find that the vessel in question was registered on the 3d ultimo, in the name of John Henry Thomas, of Liverpool, as sole owner; that she cleared on the following day for Palermo

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[1] Appendix, vol. i, p. 7.

[61] and *Jamaica in ballast, but did not sail until the 22d, the day on which the American consul's letter is dated, having a crew of fifty-two men, all British, with the exception of three or four, one of whom only was an American. She had no gunpowder, nor even a signal-gun, and no colors, saving Maryatt's code of signals and a British ensign, nor any goods on board except the stores enumerated on the accompanying copy of her victualing bill.

With regard to the statements in the letter of the consul, the collector further reports that it is clear the passengers brought by the Annie Childs, the vessel therein mentioned, which has recently arrived from one of the Southern States, were not intended to form any portion of the crew of the Oreto, inasmuch as they were still in Liverpool, and that the dipping of the ensign on board the latter vessel on the arrival of the Annie Childs, as far as the collector had been enabled to ascertain, was intended as a compliment to one of the Cunard steamers and another vessel which saluted the Annie Childs on her arrival, the masters of the several vessels being known to one another.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

This report was accompanied by a copy of the ship's victualing bill.

On the 28th April, 1862, the Oreto arrived at Nassau, as appears by the subjoined entry in the books of the revenue department of the colony of the Bahamas:[1]

Inwards.

(No. 48.)

In the British steamer Oreto, Duguid, master, from Liverpool; 178 tons; 12 feet; 52 men.

Ballast.

NASSAU, *New Providence, April* 28, 1862.

On the 29th April she quitted the part of the harbor which is adjacent to the town of Nassau, and proceeded to Cochrane's Anchorage, a station distant from the town about fifteen miles, measuring by the course usually taken by vessels of heavy draught. It was stated that this was done on the advice of the pilot, and for the reason that there was not room for her in the harbor. On the 9th May, 1862, the governor of the Bahamas received from Mr. Whiting, United States consul at Nassau, the following letter:[2]

UNITED STATES CONSULATE,
Nassau, New Providence, May 9, 1862.

SIR: I have the honor to communicate to your excellency several facts of importance, deeming it to be my duty so to do, as representative of the Government of the United States of America.

The tug Fanny Lewis, which arrived here from Liverpool on the 6th instant, has on board, I am credibly informed by letters received from that port, a large quantity of powder for the rebel States of America, or for the so-called Confederate States.

On the 28th ultimo the steamer Oreto also arrived off this port from Liverpool, and now lies at Cochrane's Anchorage, where, it is believed, and so reported by many residents here, that she is being prepared and fitted out as a confederate privateer to prey on the commerce of the United States of America.

I inclose for your excellency's perusal a slip from the Wilmington, North Carolina, paper of the 20th April.

I cannot but think that your excellency will consider it proper that some inquiry should be made to ascertain how far the vessels alluded to are preserving the strict neutrality so earnestly enjoined by Her Majesty's late proclamation, and I am confident that I pay but a deserved tribute to your excellency's high character when I express my firm belief that no illegal steps will be allowed to those who seek to subvert the Government which I have the honor to represent.

I am, &c.,
(Signed) SAML. WHITING,
United States Consul.

Mr. Whiting was on the same day informed in answer by the colonial secretary that the governor would cause inquiries to be made into the circumstances alleged in his (Mr. Whiting's) letter. The letter was at the same time referred, by order of the governor, to the attorney general of the colony, who reported as follows:[3]

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[1] Appendix, vol. i, p. 58.
[2] Ibid., p. 14.
[3] Ibid., p. 15.

Assuming the cargo of the Fanny Lewis to be such as is stated by the United States consul, it is nevertheless one that can legally be imported here from the United Kingdom, and its future presumed destination does not invest it with any character of illegality which calls for or would authorize any action with respect to it on the part of the executive or other authorities of the colony.

2. With respect to the Oreto the consul's allegation is to the effect that it is believed and reported by many residents here that she is being prepared and fitted out where she now lies, at Cochrane's Anchorage, which is within the limits of the port of Nassau, as a confederate privateer. Now if such is the fact, an offense against the foreign enlistment act has been committed, all parties implicated in which are liable to be criminally proceeded against for misdemeanor, and the vessel may be seized by any naval or revenue officer; but to justify proceedings either against the parties or the vessels, the matter must not rest on repute or belief alone, but the authorities [62] must have positive facts to *ground their proceedings on, and unless the consul can adduce such, or they can be obtained through other channels, no steps can be taken either for the arrest of the vessel, or those on board of her.

(Signed) G. C. ANDERSON.

On the 28th May, 1862, Commander McKillop, commanding Her Majesty's ship Bulldog, wrote to the governor as follows:[1]

BULLDOG, *Nassau, May* 28, 1862.

SIR: Several steamers having anchored at Cochrane's Anchorage, I sent an officer yesterday to visit them and muster their crews, and ascertain what they were and how employed.

The officer reports that one steamer, the Oreto, is apparently fitting and preparing for a vessel of war; under these circumstances I would suggest that she should come into the harbor of Nassau to prevent any misunderstanding as to her equipping in this port, contrary to the foreign enlistment act, as a privateer or war vessel.

I am, &c.,
(Signed) H. F. McKILLOP.

No facts were furnished by Commander McKillop in support of the statement that the Oreto was "apparently fitting and preparing for a vessel of war." On receiving this communication the governor requested Commander McKillop to take such steps as he might think best for ascertaining the true character of the Oreto and the nature of her equipment; and if he should be convinced that she was really a man-of-war or privateer arming herself there, to concert measures for bringing her down into the part of the harbor adjacent to the town, or else to remove his own ship to Cochrane's Anchorage and there watch her proceedings from day to day.

Early in the month of June, 1862, the consignees of the vessel, who were a mercantile firm at Nassau, applied to the receiver general (the proper officer for that purpose) for permission to load her for an outward voyage to Saint John's, New Brunswick.

Her Majesty's government is informed and believes that during the blockade of the Confederate States it was a common practice for ships leaving the port of Nassau, with the intention of endeavoring to run their cargoes into the blockaded ports, to clear for Saint John's, New Brunswick, and many of them took in their outward cargoes at the anchorages adjacent to the harbor of Nassau. In the application itself, therefore, there was nothing peculiar; but in consequence of the suspicions which had arisen about the ship, the receiver general, before granting the usual permission to load, referred the matter to the governor, and it was brought by him before the executive council of the colony on the 4th June, 1862, when the following order was made:[2]

JUNE 4, 1862.

At an executive council his excellency the governor, with the advice of the board, was pleased to make the following order:

"1. That the Oreto, if practicable, should take in her cargo within the port of Nassau.

"2. That if however it be found impracticable, from the depth of water in port or otherwise, that she cannot conveniently take in her cargo within the port, then that she be permitted to do so at Cochrane's Anchorage, under the direct supervision of officers of the revenue department to be specially appointed for the purpose.

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[1] Appendix, vol. i, p. 16.

[2] Ibid., pp. 19, 53.

"3. That in consequence of the suspicions which have arisen respecting the character of the Oreto, it is advisable that a British vessel of war should remain at Cochrane's Anchorage, in the immediate vicinity of the Oreto, while she is taking in cargo, and to prevent such vessel being detained at the anchorage an inconveniently long time there be imposed as a condition, for the permission for the Oreto to load without the port, that she complete her lading at Cochrane's Anchorage within a period to be designated by the chief officer of the revenue department."

His excellency was further pleased to direct that a copy of the foregoing order be furnished to the receiver general and treasurer, and the commander of Her Majesty's ship Bulldog, respectively, for their information and guidance.

On the same 4th June, 1862, the United States consul sent to the governor the subjoined letter and inclosure:[1]

UNITED STATES CONSULATE,
Nassau, New Providence, June 4, 1862.

SIR: I have the honor to inform your excellency that I am in receipt of a communication from one of the crew (in prison here) of the steamer Oreto, now lying at Cochrane's Anchorage, a copy of which I inclose.

May I request your excellency to inform me if any steps have been taken by the colonial government to ascertain the true character of the Oreto, the service for which she is intended, and if her longer stay at Cochrane's Anchorage, under all the circumstances disclosed, is in accordance with Her Majesty's late neutrality proclamation.

I am, &c.,
(Signed) SAML. WHITING,
Consul.

[63] *[Inclosure.]

Mr. Jones to Mr. Whiting.

NASSAU PRISON, *June* 4, 1862.

SIR: The ship I am from is the Oreto, built by W. C. Miller, in Liverpool, after the model of the English navy gun-boats, with magazine, shot-lockers, ports, and bolts for twenty guns. Everything is rigged and ready for mounting; even all the articles necessary for seamen, such as hammocks, bedding, kettles, and pans, with three years' provisions. In short, she is a perfect man-of-war. Captain, James Duguid; chief officer, William Duggin; second officer, —— Hudson; I, sir, was third officer and boatswain. The chief steward and purser, who refused to do duty, are in jail here.

* * * * * * *

Yours, &c.,
(Signed) EDW'D JONES.

The counsel renewed his representations on the 12th June.[2]

In conformity with the above resolutions of the executive council, the commander of the Bulldog proceeded to Cochrane's Anchorage, put one of his officers in charge of the Oreto, and placed his own ship near her. On the 7th June she was removed by the consignees to the part of the harbor close to Nassau.

On the 8th June, 1862, the governor received from Commander McKillop a letter dated the 6th,[3] reporting that he had visited and examined the Oreto; that she was fitted for war purposes, and had fittings at variance with the character of a merchant-vessel, but had on board no guns or ammunition.

On the 9th June the consignees began to load the vessel with cargo, part of which consisted of arms and ammunition, including some boxes of shells. On the morning of the 10th, however, the cargo which had been put on board was discharged, the consignees having obtained leave to land it, and to clear the vessel in ballast for the Havana.

Commander McKillop quitted Nassau on the 9th June, and was succeeded, as senior naval officer at the port, by Commander Hickley, of

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[1] Appendix, vol. i, p. 19. [2] Ibid., p. 21. [3] Ibid., p. 20.

Her Majesty's ship Greyhound. On the 10th June, Commander Hickley went on board the Oreto, but, being informed that she had cleared for the Havana in ballast, and was to sail shortly, forbore at that time to examine her. On the 13th he again went on board of her, and sent in a report to the governor, which was as follows: [1]

GREYHOUND, NASSAU, NEW PROVIDENCE,
Bahamas, June 13, 1862.

SIR: On going on board the Oreto this morning, the captain informed me that the crew had refused to get the anchor up until they could be certain as to where the ship was going, as they did not know what might become of them after leaving port, and that the Oreto was a suspicious vessel. I then proceeded round the decks to note her fittings, &c., and to ascertain whether she had any warlike stores on board for her own equipment, and I have the honor to make the following report:

That the Oreto is in every respect fitted as a man-of-war, on the principle of the dispatch gun-vessels in Her Majesty's naval service.

That she has a crew of fifty men, and is capable of carrying two pivot-guns amidships and four broadside, both forward and aft, the ports being made to "ship and unship," port bars, breeching, side tackle, bolts, &c.

That she has shell-rooms, a magazine and light-rooms, and "handing-scuttles" for handing powder out of the magazine, as fitted in the naval service, and shot-boxes, for Armstrong shot, or shot similar to them. Round the upper deck she has five boats, (I should say,) a ten-oared cutter, an eight-oared cutter, two gigs, and a jolly-boat, and davits for hoisting them up—her accommodation being in no respect different from her similar class of vessel in the royal naval service.

And on my asking the captain of the Oreto, before my own officers and three of his own, whether she had left Liverpool fitted in all respects as she was at present, his answer was, "Yes, in all respects," and "that no addition or alteration had been made whatever."

In witness of this report, and ready to testify to its correctness, we, the undersigned, affix our names.

(Signed)
H. D. HICKLEY, *Commander.*
JNO. L. GILBY, *Lieutenant.*
C. S. CARDALE, *Lieutenant.*
B. B. STUART, *Master.*
P. O. M. PRESGRAVE, *Assistant Paymaster.*
E. B. GIDLEY, *Gunner.*
E. EDWARDS, *Carpenter.*
W. ROSKILLY, *Gunner's Mate.*
JOHN LEWAN, *Seaman Gunner.*

The attorney general of the colony, being called upon to advise the governor upon this report, gave his opinion that it would not justify the detention of the vessel.

[64] *On the 15th June some of the crew of the Oreto came on board the Greyhound and stated to Commander Hickley that they had left the Oreto because they were not able to ascertain her destination, and that she was endeavoring to ship another crew. Commander Hickley thereupon seized the vessel, but, on the morning of the 17th, released her, the attorney general being still of opinion that there was not evidence sufficient to justify a seizure. Notwithstanding this opinion, however, the seizure was forthwith (namely, on the morning of the 17th June) renewed, with the sanction of the governor, that officer holding that, after the statements which had been made to him by Commander Hickley, it was right and proper to submit the case to judicial investigation. The sanction of the governor was given on the 17th June, and proceedings were, by his direction, forthwith instituted in the vice-admiralty court of the colony (which was and is the court having by law jurisdiction in matters of this nature) for the condemnation of the vessel.

On the trial of the case, the following witnesses were examined on behalf of the crown:

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[1] Appendix, vol. i, p. 23.

Wynn Fely James Duggan, chief officer of the Oreto.
William Porter, seaman of Oreto.
Peter Hinson, seaman of Oreto.
Charles Ward, steward of Oreto.
Walter Irving, fireman of Oreto.
John Quinn, fireman of Oreto.
Thomas Robinson, fireman of Oreto.
Daniel Hamy, coal-trimmer of Oreto.
Commander Hickley, of Her Majesty's ship Greyhound.
Thomas Joseph Waters, a master mariner in the merchant service.
Lieutenant Cardale, royal navy.
Bay Beaufoy Stuart, master and pilot of Her Majesty's ship Greyhound.

One of the firm of merchants who were consignees of the vessel at Nassau, the master under whom she had made her outward voyage, and other witnesses, were examined for the defense. The consignee, in the course of his evidence, made the following statements on oath:[1]

> We (meaning this firm) had the sole direction and management of the Oreto. I know of no person but Captain Duguid having any control over the Oreto. * * * In placing the cargo on board the Oreto, it was distinctly understood as cargo. I stated to the receiver general that it was cargo only; that we intended to ship a full load by that vessel. We were fully aware that we could not ship such goods otherwise than as cargo, unless committing a breach of the foreign-enlistment act; and had we been ordered to do it, we should have handed the consignment over to some one else. No act was done by authority of Henry Adderly & Co. [the witness's firm] with the intent that the vessel should be employed as a cruiser.

On cross-examination he stated as follows:

> The vessel was consigned to us by Messrs. Fraser, Trenholm & Co., of Liverpool. She was consigned to us as a merchant-vessel, and we considered her as such. No instruction, in the first instance, was given to us, except the general instructions of shipping cargoes by all their vessels to Messrs. W. and R. Wright, Saint John, New Brunswick, on account and risk of J. R. Armstrong, of Liverpool. Mr. John Lowe, I think, brought a letter of introduction from Mr. Trenholm to the firm. I do not know whether Mr. Lowe was in any way interested in the Oreto. I do not recollect Mr. Lowe being mentioned in any correspondence which we received from Fraser, Trenholm & Co. We never had any transactions with Mr. Lowe in regard to the Oreto. She remained here several weeks before any attempt was made to ship cargo in her. We thought we should receive some instructions from our friends about her, but we did not. The shipping of the cargo on board the Oreto was performed by us under our general instructions. I am not prepared to say whether the vessel was actually going to Saint John, New Brunswick.

The master, James Alexander Duguid, gave evidence as follows:[2]

> I am master of the Oreto. * * * The owner of the Oreto, I believe, is named Mr. Thomas. I took my instructions from Fawcett, Preston & Co., the agents. * * * I arrived here at the latter end of April. I went to Cochrane's Anchorage, and communicated with H. Adderly & Co. as the agents of the vessel representing my owners in England. I had no instructions, when leaving England, who the agents of the vessel were; but, on my arrival here, I understood who they were. Mr. Lowe had a letter, and told me that Messrs. Adderly & Co. were the agents of the vessel, and they would enter the ship. I remained at Cochrane's Anchorage seven weeks; we were
> [65] waiting orders *from the agents, who were waiting orders from the owners at
> home. * * * The shell was taken on board by the direction of the agents. I never thought that it was intended for the vessel, neither did I know that it was. * * * I had not intent, nor would I do so, to use the Oreto to commit hostilities against any power or state.

On cross-examination he said:[3]

> I received my instructions from Messrs. Fawcett, Preston & Co. as to the voyage. They were written. [The instructions were produced in court.] In the conversation referred to in the letter dated 22d March, 1862, I proposed going to Nassau instead of Havana. No instructions were given to me as to the ultimate destination of the vessel after she reached Nassau. * * * I had no knowledge whatever, when the vessel cleared for Havana, that she was ultimately bound to the Confederated States of

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[1] Appendix, vol. i, p. 47.
[2] Ibid., p. 48.
[3] Ibid., p. 50.

America. I have no knowledge whether the vessel was to return to Europe or not; I have no knowledge one way or the other. I have no knowledge whatever that she had been sold or agreed to be sold to any persons in the Confederate States.

With respect to the crew of the vessel, the consignee gave evidence as follows:[1]

We had some difficulty with the crew. They set up a plea that the vessel not having touched at Palermo, there had been a deviation of the voyage, and therefore they claimed their discharge. We demurred to this, but afterward agreed to pay them their wages up to date, and give them a bonus of £5 and pay their passage to England if they would not remain in the ship. This they refused to accept, stating that, from the several visits of the officers of the man-of-war on board the vessel, they considered she was of a suspicious character, and that they would not go in her unless the governor and Captain Hickley guaranteed their safety. Some accepted the terms that were offered. In consequence of this they were summoned before the police magistrate, and the case was brought under his adjudication. They elected to take their discharge. I was present at the time they then and there agreed to quit the ship. They then obtained leave to go on board for their clothes. The men were discharged by the magistrate. In consequence of this we got a shipping-master to ship another crew for the Oreto. I think there were fifteen or sixteen new hands then shipped. They received the usual advance. It was our intention to send her immediately to sea. I had arranged with the pilot to take her out the following morning, (Sunday;) they, however, missed the tide, the crew not having come on board. The vessel was again seized that day. The crew we shipped then left the Oreto. I have not seen them since, and all the advance that we paid is lost.

As to the same matter, the master stated as follows:[2]

Two mornings following, previous to this seizure, (I mean on Friday and Saturday,) I ordered my crew to get the vessel under way, but they refused, stating that I had deceived them once, and that they would not believe what I told them again. I told them she was cleared for Havana, and bound there as far as I knew. They still continued to refuse to work, and said that they would not believe anything that I told them. In consequence of this I sent warrants on board for them. They all appeared before the magistrate. They said that they would not proceed in the vessel unless they were guaranteed that they would be safe from any American cruisers. They then said that they would take their discharge, and the whole of them took their discharge.

On the 2d of August, 1862, the judge of the court pronounced judgment in the case, reviewing at considerable length the evidence which had been produced on both sides, and stating what, in his opinion, was the effect and value of that evidence. At the beginning, he said:[3]

To support the libel, it is necessary that proof should be given—

1st. That the aforesaid parties, having charge of the Oreto, while the vessel was within the jurisdiction of the vice-admiralty court of the Bahamas, attempted to equip, furnish, and fit her out as a vessel of war;

2dly. That such attempt was made with the intent that she should be employed in the service of the Confederated States of America; and,

3dly. That such service was to cruise and commit hostilities against the citizens of the United States of America. Witnesses have accordingly been produced to prove that the Oreto is constructed for and fitted as a war-vessel; that acts have been done in her, since she came to Nassau, which constitute an attempt to equip, fit, and arm her as a vessel of war; that from certain conversations which were overheard between the master of the vessel and a person who came out passenger in her, and from certain acts done by this person, there is proof that she was intended for the service of the Confederated States of America, and to cruise against the citizens of the United States.

After recapitulating the substance of the evidence, he said:[4]

The question now to be decided is, whether, upon a careful consideration of the evidence, there appears proof or circumstantial evidence amounting to reasonable [66] proof, that a violation of the provi*sions of the foreign enlistment act has been committed by the parties having charge of the Oreto. First, by attempting, by any act done since she came into this colony, to fit or equip the Oreto as a vessel of war. Secondly, by making such attempt for the purpose of fitting and equipping her as a vessel of war for the service of the Confederated States of America, to cruise and com-

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[1] Appendix, vol. i, p. 46.

[2] Ibid., p. 49.

[3] Ibid., p. 39.

[4] Ibid., p. 50.

> mit hostilities against the citizens of the United States of America. I have already said that what took place before the vessel came here can only be received as elucidatory or explanatory of what has occurred since that time. Two facts have been proved, both of which, it has been contended, are violations of the act. One is that, while the vessel lay at Cochrane's Anchorage, some blocks were stropped in such a manner that they might be used as gun-tackle blocks, and that they were so called in an entry in the ship's log-book, and by some of the crew. The other, that a number of boxes containing shells were put in the ship after she came into this harbor, and were taken out again.

He arrived at the conclusion that there was no sufficient evidence of any act done, or attempt made, since the Oreto had come to the colony, to fit out or equip her as a vessel of war.

He was further of opinion that, although the vessel might not be calculated to carry the ordinary bulky cargo of merchant-ships, she was capable of carrying a considerable quantity of some kinds of cargo, and that it was not improbable that a vessel of her description might be used for running the blockade.

He was also of opinion that the evidence connecting her with the Confederate States, as a vessel to be used in their service to cruise against the United States, was "slight."[1]

> It rests entirely on her connection with a gentleman named Lowe, who came out passenger in her, and some evidence has been given from which it may be inferred that this Mr. Lowe is connected in some way with the Southern States. He is said by some of the crew to have exercised some control over the Oreto. This is denied on oath by Mr. Harris and Captain Duguid. But assuming it to be true, and assuming also that Mr. Lowe is connected with the Confederated States, no one can state that Mr. Lowe, or his employers, if he have any, may not have engaged the Oreto for the purpose of carrying munitions of war, which we have seen she is well capable of doing, and this would not have been an infringement of the act under which she is libeled. But the evidence connecting the Oreto with the Confederate States rests almost entirely on the evidence of the steward, Ward, whose testimony I have already explained my reasons for receiving with much doubt.

The judge, therefore, made a decree for the restoration of the vessel to the master, claiming on behalf of the alleged owner, John Henry Thomas—

> Under all the circumstances of the case, I do not feel that I should be justified in condemning the Oreto. She will, therefore, be restored.
>
> With respect to costs, although I am of opinion that there is not sufficient evidence of illegal conduct to condemn the vessel, yet I think all the circumstances of the case taken together seem sufficient to justify strong suspicion that an attempt was being made to infringe that neutrality so wisely determined upon by Her Majesty's government. It is the duty of the officers of Her Majesty's navy to prevent, as far as may be in their power, any such infringement of the neutrality. I think that Captain Hickley had *prima facie* grounds for seizing the Oreto; and I, therefore, decree that each party pay his own costs.

The assumption, on which the judge appears to have proceeded, that evidence of acts done before the Oreto arrived at the Bahamas could not be received, unless for the purpose of explaining or elucidating acts done after her arrival, may have been erroneous, and Her Majesty's government believes that it was so. Her Majesty's government believes that in a proceeding *in rem* against a ship, to enforce a forfeiture for an alleged infringement of the statute, a court, wherever locally situate within the dominions of the Crown, might lawfully receive and adjudicate upon evidence of such infringement, wherever the act or acts constituting it might have been committed.

The decision, however, although founded in part on an assumption that Her Majesty's government considers open, at least, to grave doubt, was the judgment of a court of competent jurisdiction, and was, as such, binding on the executive authorities of the colony. And it is further to be observed, that proof of acts done out of the limits of the colony, had it been tendered and admitted, could not have altered the decision of the court, unless it had supplied evidence also of an unlawful intention.

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[1] Appendix, vol. i, p. 52.

Her Britannic Majesty's government, on the 31st July, 1862, received from the governor of the Bahamas intelligence of the measures taken in respect of the Oreto.

The seizure of the vessel was approved by Her Majesty's government, and the governor was informed that she should be detained until instructions could be given as to what further process should be
[67] instituted.[1] The lords commissioners of the treasury *were at the same time requested to consider the propriety of sending an officer of customs from Liverpool who could give evidence of the facts which occurred in regard to the Oreto at that place, and inquiries with that view were forthwith made by the commissioners of customs.

Intelligence of the decree of the vice-admiralty court of the Bahamas, ordering the restoration of the Oreto, was received by Her Majesty's government on the 16th September, 1862.

The Oreto was released, in obedience to the decree of the court; and on the 7th August, 1862, she was cleared at the Nassau custom-house as a merchant-vessel with cargo, for Saint John's, New Brunswick, as appears from the subjoined copy of the manifest of cargo, extracted from the books of the revenue department of the Bahamas:[2]

Outwards.

Manifest of cargo on board British steamer Oreto, A. L. Read, master, for St. John's, N. B. 178 tons; 12 feet water; 52 men.

4 kegs white lead.
3 barrels oil.
2 puncheons rum.
6 cases ½ and ¼ boxes tobacco.
4 barrels sugar.
4 bags coffee.
28 barrels bread.
8 cheese.
3 kegs butter.
8 bags pepper.
4 boxes candles.

(Signed) J. L. READ.

NASSAU, *New Providence, August* 7, 1862.

On or about the 7th August the Oreto sailed from Nassau. Of the subsequent history of this vessel, from the time of her leaving Nassau to that of her arrival in a port of the Confederate States, Her Britannic Majesty's government has no knowledge; but it has been informed and believes that she was subsequently armed for war by a Captain Maffit, who had formerly held a commission in the United States Navy, and was then a commissioned officer in the service of the Confederate States; that she was then commissioned as a ship-of-war of the Confederate States, under the command of the said Maffit, and her name changed from "the Oreto" to "the Florida;" and that, after keeping the sea for a few days, she put in at the port of Cardenas, in Cuba, where (or at the Havana) she remained for nearly a month. On the 4th September the vessel arrived at and entered the port of Mobile in the Confederate States, which was then blockaded by three United States ships of war. She remained in port for upward of four months. She was repaired and refitted, and shipped a crew, and, in January, 1863, was sent to sea from Mobile, under the command of Maffit, as a Confederate States ship of war.

The United States consul at Nassau, after the departure of the vessel, and on the 8th September, 1862, wrote to the governor as follows:[1]

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[1] Appendix, vol. i, pp. 29, 31, *et seq.*

[2] Ibid., p. 58.

UNITED STATES CONSULATE,
Nassau, New Providence, September 8, 1862.

SIR: I have the honor to inform your excellency that I have good authority for stating that the schooner Prince Alfred, of Nassau, took the Oreto's armament from this port and discharged the same on board that steamer at Green Cay, one of the Bahamas; that the Oreto afterward left Green Cay with the secession flag flying at her peak; that the Prince Alfred has returned to this port, and now lies at Cochrane's Anchorage, and I am credibly informed that her captain is again shipping men to be sent to the Oreto, in direct contravention of the foreign enlistment act.

I earnestly urge upon your excellency the propriety of instituting some inquiry into these matters, and of preventing acts so prejudicial to the interests of the friendly government which I have the honor to represent.

I have, &c.
(Signed) SAMUEL WHITING.

The colonial secretary replied as follows:

COLONIAL OFFICE,
Nassau, September 9, 1862.

SIR: In reply to your letter of the 8th instant, directed to the governor, I am instructed by his excellency to inform you that, if you feel assured that you have sufficient credible evidence to substantiate your allegation, and will put your evidence into the hands of the attorney general, his excellency will direct a prosecution against the captain of the Prince Alfred, or others who may have been guilty of violating the foreign enlistment act.

But his excellency has no authority to take any steps against the Oreto, which is out of his excellency's jurisdiction.

I have, &c.,
(Signed) C. R. NESBITT,
Colonial Secretary.

[68] *No evidence whatever in support of the allegations of the consul appears to have been furnished by him, and no facts were produced on which a prosecution could be founded.

The subsequent history of the Florida, so far as it is known to Her Majesty's government from official reports and other sources, is as follows:

On the 25th January, 1863, the Florida came into the harbor of Nassau, where she remained twenty-six hours; and on the 24th February she put in at Barbados, where she remained about two days, (being detained for twenty-four hours at the request of the United States consul, in order to allow time for the sailing of a United States merchant-vessel then in the harbor.) Each of these colonies had been repeatedly visited by United States ships of war. It was alleged that in each of them some advantage or indulgence which United States vessels had not enjoyed had been granted to the Florida. But it was shown by the governors of those colonies that this assertion was entirely erroneous, and that no advantage was conceded to the Florida which had not before been granted to cruisers of the United States. It appeared, however, that both the United States ship San Jacinto and the confederate ship Florida had been permitted to obtain coal at Barbados within a less time than three months after they had respectively coaled at another British colony, the commander of each vessel having alleged that his supply of coal had been exhausted by stress of weather. In consequence of this the following dispatch was addressed by Her Majesty's secretary of state for the colonies to the governor of Barbados; and instructions, substantially to the same effect, were sent to the governors of the other British colonies in the West Indies:[2]

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[1] Appendix, vol. i, p. 87.

[2] Ibid., p. 102.

DOWNING STREET, *July* 16, 1863.

SIR: I have received and had under my consideration your dispatch of the 7th March, giving an account of certain communications which have passed between yourself and Rear-Admiral Wilkes, of the United States Navy.

You were quite right in refusing to enter into correspondence with that officer upon the matter adverted to in his dispatch of the 5th March. On this and other occasions it has become evident that interviews and explanations such as you accorded to Rear-Admiral Wilkes were made the pretext for placing on record charges more or less direct against officers of Her Majesty. And I think that, as the governor of one of Her Majesty's colonies owes no explanation of his conduct to an officer of the United States Navy, it will be prudent hereafter to avoid such explanations as far as the rules of courtesy will allow. It is the wish of Her Majesty's government that matters of complaint should in general be discussed between the two governments concerned rather than between any subordinate officers.

With regard to the issue of coal to the war-vessels of the belligerents, you have, I think, allowed yourself too much liberty in giving the "special permission" to take in fuel contemplated in Her Majesty's proclamation. Coal, in the opinion of Her Majesty's government, ought not to be supplied to a vessel of war of either belligerent except in such quantity as may be necessary to carry such vessel to the nearest port of her own country, (or, of course, any nearer port,) and this, I will add, without reference to the question whether the ports of that country are or are not under blockade. In case of such blockade it will rest with the officer in command to seek some more convenient destination. If within the period prescribed by the proclamation a vessel thus furnished with coal in one of Her Majesty's possessions should apply for a second supply in the same or another colony, the application may be granted if it is made to appear that, owing to real necessities arising from stress of weather, the coal originally given has been prematurely exhausted before it was possible that the vessel could, under existing circumstances, have reached the destination for which she coaled.

But if it should be the case that the vessel has not, since taking in coal, been *bona fide* occupied in seeking her alleged destination, but has consumed her fuel in cruising, the coal should not be replenished under the terms of the proclamation. Such a case is not one to which "special permission" referred to in that proclamation was intended to apply.

Her Majesty's government are of the opinion that the regulations of the proclamation thus interpreted should be strictly adhered to without any arbitrary concession to either belligerent. It is by such a course that misunderstandings and complaints of partiality will be most certainly avoided. An unauthorized concession to one belligerent, it may be safely assumed, will not be accepted by those to whom it is made as a justification of a similar concession in an opposite direction.

I approve of your having communicated to the officers administering the government of the other West Indian islands the fact that certain Federal and confederate vessels of war had called at Barbados.

I shall instruct the governors of the other islands to follow the same course, communicating in all cases the name of the vessel, its alleged destination, and the date of receiving the coal, and the quantity allowed to be placed on board.

I have, &c.,
(Signed)

On the 8th May, 1863, the Florida entered the harbor of Pernambuco, and received permission to remain there for twenty-four hours. Captain Maffit stated to the president of the province that the machinery of his ship was out of order and required repair; and *he [69] obtained, on this ground, leave to stay for three or four days. The machinery was repaired on shore, and he sailed on the 12th May.

The United States consul at Pernambuco addressed a remonstrance to the authorities protesting against any accommodation being granted to a vessel which he insisted should be regarded as piratical.

The president replied that there had been no infringement of the letter or spirit of international law in the course which had been pursued by the authorities; that he could not agree with the consul in regarding the Florida as piratical, and could not admit his protest.

On the 16th July, 1863, the Florida came into the port of St. George's, Bermuda, her commander having previously applied for and obtained leave to enter for the purpose of procuring coals and making necessary repairs. Being unable to obtain coal from private persons, Captain

Maffit requested to be allowed to purchase some from the Government stores, and he requested also that permission might be given him to have his ship repaired in the government dock-yard. These requests were refused, as appears from the following correspondence:[1]

Mr. Walker to Governor Ord.

ST. GEORGE'S, *July* 18, 1863.

SIR: At the request of Captain Maffit, commanding Confederate States steamer Florida, I have the honor to inform your excellency that, on his application at the dock-yard this morning for coals, he was informed by Captain Glasse that, under his present instructions, he did not feel authorized to furnish the Florida with the small amount even which Captain Maffit required.

As the Florida must therefore of necessity be detained at this port as a vessel in distress until the arrival of coals which are daily expected, Captain Maffit begs me to inquire of your excellency if the privilege will be accorded to him of proceeding to the dock-yard for the purpose of having effected some repairs to machinery and hull of ship, which are of essential importance, and which cannot be effected in the port of St. George's.

I have, &c.,
(Signed) NORMAN STEWART WALKER.

Governor Ord to Mr. Walker.

MOUNT LANGTON, *July* 19, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, informing me, at the request of Captain Maffit, of the Confederate States steamer Florida, that, having applied yesterday at the dock-yard for coals, he was informed by Captain Glasse, royal navy, that he did not feel authorized to furnish the Florida with the small amount she required, and further stating that, as the Florida must therefore of necessity be detained at this port as a vessel in distress until the arrival of coals, which are daily expected, Captain Maffit begs you to inquire whether the privilege will be accorded to him of proceeding to the dock-yard for the purpose of having effected some repairs to machinery and hull of ship which are of essential importance, and which cannot be effected in the port of St. George's.

Having referred this application to Captain Glasse, superintendent of the dock-yard, I have the honor to acquaint you that he informs me that he does not feel himself at liberty to allow of any repairs to the machinery or hull of the Confederate States steamer of war Florida being effected in Her Majesty's dock-yard.

In making this communication I have to express a hope that Captain Maffit may yet find it in his power to obtain for his vessel such supplies of coal and such necessary repairs as will enable her to proceed without delay to her destination, but I must at the same time point out that Her Majesty's instructions (with a copy of which Captain Maffit was supplied on the 16th instant) are very stringent as to the limitation of the stay in British waters of vessels of war of the United States or Confederate States, and that it is necessary that whatever may be required to enable the Florida to take her departure from these islands should be provided in the shortest possible period. If, however, Captain Maffit should find it impossible to procure at the present time whatever may be requisite for this purpose, I must request that he will at once proceed with the Florida to Grassy Bay, there to remain until his departure from the colony is rendered practicable.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

Mr. Walker to Governor Ord.

ST. GEORGE'S, *July* 20, 1863.

SIR: Since the communication which I had the honor to address to your excellency on Saturday evening last, Captain Maffit has been informed that there is a large quantity of coals at this port belonging to the commissariat department.

He therefore requests me, in his great emergency, to apply, through your excellency, to the proper officers, for a quantity sufficient to carry his vessel to some other coaling depot.

[70] *Captain Maffit will be happy to have the opportunity of paying for the coals in coin immediately, or of having them returned in kind, within two or three weeks, at any point in the island which may be indicated.

I have, &c.,
(Signed) NORMAN STEWART WALKER.

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[1] Appendix, vol. i, p. 109.

Governor Ord to Mr. Walker.

MOUNT LANGTON, *July* 20, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, requesting, on behalf of Captain Maffit, Confederate States steamer Florida, that he may be permitted to take from a large quantity of coal belonging to the commissariat department at St. George's, a quantity sufficient to carry his ship to some other coal depot.

In reply I have to inform you that the coal in question is not under my control, but under that of Colonel Munro, the commandant of the troops.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

Colonel Munro refused to allow coal to be supplied to the Florida from the commissariat department. She subsequently obtained some from a vessel which arrived at the colony from Halifax.

The commandant of the fort at Bermuda had, on the arrival of the Florida there, consented to exchange salutes with her. This act was disapproved by Her Majesty's government for the reason that, while Great Britain had recognized the Confederate States as a belligerent, she had not recognized those States as independent or their government as a sovereign government.

On the 23d August, 1863, the Florida arrived at Brest, having two days before taken and destroyed at sea a United States merchant-ship bound from Liverpool to New York. The following report of what then occurred at Brest was subsequently furnished to Her Britannic Majesty's government by Her Majesty's consul at Brest, and is believed by Her Britannic Majesty's government to be true and correct:[1]

BREST, *September* 22, 1871.

MY LORD: I have the honor to acknowledge the receipt of your lordship's dispatch of the 12th instant, instructing me to furnish you with a report containing all the particulars of which I could obtain information respecting the proceedings at this port of the confederate cruiser Florida in 1863–'64.

In obedience to your lorship's commands I have now the honor to report that the Florida arrived in Brest Bay at 11 o'clock on the morning of the 23d of August, 1863; and her commander having declared that she entered the port in order that her engines and copper sheathing might be repaired, and for purposes of general refitting, she obtained free pratique on the evening of the following day.

Captain Maffit, the commander of the Florida, was informed by the admiral of the port, (préfet maritime,) Vice-Admiral Count de Gueyton, that he was at liberty to effect the repairs of the ship and provide her with coal and provisions, the same as any merchant-ship.

Captain Maffit then selected as his agents Messrs. Massurier & Sons; but to this selection an objection was raised by Count de Gueyton, on account of their not being sworn brokers; and, at his suggestion, M. Aumaître, sworn broker and interpreter, was appointed agent.

Later, a M. Puquet du Belley arrived from Paris as the special agent of the Confederate States for France. He, however, did not remain here long, but confirmed the appointment of M. Aumaître.

The commercial resources of Brest proving insufficient to effect the repairs of the Florida, application was made to the port admiral to allow her to enter the government dock-yard, and permission for her to do so was granted, it being stipulated that all expenses should be re-imbursed by the agent, M. Aumaître, and that her powder-magazine should be cleared before entering the dock. To effect the latter operation, a government barge was furnished for the purpose of removing the ammunition; and this barge was, later, moored in the bay.

On the 9th of September, 1863, the Florida entered the government dock, and remained there for general repairs for a period of about five weeks.

On the 17th of the same month the Federal corvette Kearsarge put into Brest for a supply of coal; but this appears simply to have been a pretext, as she took but a small quantity on board. She, however, remained at anchor in the bay, with fires banked, until the 30th of October, when she proceeded to sea, Queenstown being reported as her destination.

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[1] Appendix, vol. i, p. 126.

The Federal corvette, however, returned to her anchorage at Brest on the 27th of November, and remained there until the 4th of December, when she again left Brest, and cruised off Cherbourg until, as I am informed, her commander ascertained that the confederate vessel Georgia, then repairing at that port, would not be ready for sea for some time; whereupon the Kearsarge returned to Brest Bay, and anchored there on the 11th of the same month.

Meanwhile the Florida had completed her repairs in the dock-yard, and afterward took moorings [71] * in the merchant harbor of Brest, where she was slowly refitted. On the 27th of December she was moved to the roadstead, and there anchored within half a mile of the Kearsarge.

At half-past 1 o'clock on the afternoon of the 29th of December the Kearsarge again left Brest for an unknown destination.

It appears that some of the mechanism of the more heavy guns of the Florida had never been regulated; and her commander desiring to have this done, an application was made to the port admiral for permission to land the guns for that purpose, but this was at once and positively refused, on the ground that such an act might be interpreted as an equivalent to allowing a re-enforcement of arms.

But, it appears, her small-arms were allowed to be landed, in order to be repaired by a gunmaker of Brest, named Kock. This permission was granted on the agent, M. Aumaître, giving a guarantee to the authorities of the custom-house that they should be reshipped on board the Florida.

No arms or ammunition were furnished to the Florida while here.

Through M. Aumaître, the agent, I have ascertained that thirty-five seamen claimed and obtained their discharge from the Florida here; that they were, in part, replaced by others, chiefly natives of Belgium, Germany, Italy, and Southern Austria, brought to Brest by railway direct from Paris, in numbers never exceeding four at a time, and that they were quietly sent on board in similar numbers.

The Federal corvette Kearsarge re-appeared in Brest waters on the 3d of January, 1864, and, after steaming about the bay to within a mile of the town, again proceeded to sea.

The confederate cruiser Florida, being ready for sea, left Brest between 9 and 10 o'clock on the evening of the 9th of February, 1864, in charge of a pilot, and, at a distance of about thirty miles from this port, passed through the dangerous passage Du Raz, inside the Saints, landing the pilot at Audierne.

On the 18th of February the Kearsarge, coming from Cadiz, re-appeared in Brest Roads; but her commander, finding that the Florida had left, departed the following day for an unknown destination.

During the stay of these two ships of war in the port of Brest the French ship-of-the-line Louis XIV was placed in a position to watch their movements, the commanding officer having orders, in the event of one of these vessels quitting port, to prevent the other from leaving until after the expiration of twenty-four hours.

I am informed that the agent, M. Aumaître, paid the authorities of the dock-yard for repairs to the Florida 135,000 francs, and that the total sum expended on her here exceeded 300,000 francs, which amounts were later re-imbursed by Mr. Taylor, the paymaster of the ship.

The Florida, on her arrival at Brest, was commanded by Captain Maffit, who was later replaced by Captain Barney, who was again relieved by Captain Morris, under whose command she finally left this port.

In conclusion, I beg leave to state that your lordship's dispatch of the 12th instant, calling for this report, having been received by Captain Clipperton, then acting consul, the day before I took charge of the consulate, he had already collected valuable information on the subject to which it refers, and I am, therefore, indebted to him for a portion of that furnished in the present dispatch. I would, however, add that before availing myself of such information I had it verified by persons competent to do so.

I have, &c.,

(Signed) HARRY RAINALS.

The United States minister at Paris, Mr. Dayton, addressed several remonstrances to the French government against the facilities afforded at Brest to the Florida, but without success. An account of these remonstrances and the answers given to them was furnished by him to his Government, and is contained in the following extracts from his dispatches, published by order of the Government of the United States:

I have this day sent out a note to the minister informing him that I had learned that the Florida had come into Brest, not for repairs of machinery only, but for coal, which had been denied to her at Bermuda, from which port she had come. The fact is that, as she is a good sailing vessel, and has crossed the Atlantic, as I believe, principally by that means, neither coal nor machinery is necessary to her safety, although a great convenience, doubtless, in enabling her to prey upon our commerce. It may well be doubted whether the rule which limits aid in such cases to what is called for by necessity and humanity applies at all to her case.—(*Mr. Dayton to Mr. Seward,* 25th August, 1863.)

I have to-day had a conversation with M. Drouyn de Lhuys upon the subject. He says they are much annoyed that the Florida should have come into a French port. But, having recognized the South as belligerents, they can only deal with the vessel as they would deal with one of our ships of war under like circumstances. They will give her so much aid as may be essential to her navigation, though they will not provide her with anything for war. I stated that she was a good sailer, and really needed nothing in the shape of repairs to machinery, &c., to enable her to navigate. He said that if she were deprived of her machinery she would be *pro tanto* disabled, crippled, and liable, like a duck with its wings cut, to be at once caught by our steamers. He said it would be no fair answer to say the duck had legs, and could walk or swim. But he said that, in addition to this, the officers of the port had reported to the government that the vessel was leaking badly; that she made water at so much per hour, (giving the measurement,) and unless repaired she would sink; that this fact, coming from their own officers, he must receive as true. They said nothing, however, about her copper being damaged, but reported that she needed calking and tarring, if I understood the French word rightly. I then asked him if he understood that the
[72] rule in such cases required or justified the grant of a *government dock or basin for such repairs, especially to a vessel like this, fresh from her destructive work in the channel, remarking that, as she waited no judicial condemnation of her prizes, when repaired in this government dock she would be just at hand to burn other American ships entering or leaving Havre and other French ports. He said where there was no mere commercial dock, as at Brest, it was customary to grant the use of any accommodations there to all vessels in distress, upon the payment of certain known and fixed rates; that they must deal with this vessel as they would with one of our own ships, or the ships of any other nation, and that to all such these accommodations would be granted at once.—(*The same to the same,* 3d September, 1863.)

On the 19th instant I received a note from M. Drouyn de Lhuys requesting to see me on the next day (yesterday) in reference to certain matters of business. I of course attended at the Foreign Office at the time named. He then informed me that it had been reported to him that the United States steamship Kearsarge, Captain Winslow, now in the port of Brest, kept her steam constantly up, with the view, as supposed, of instantly following and catching, if possible, the Florida, upon her leaving that port; and that France, having resolved to treat this vessel as a regularly commissioned ship of war, could not, and would not, permit this to be done. He said that the rule which requires that the vessel first leaving shall have twenty-four hours the start must be applied. To avoid the difficulty which he said must inevitably follow a disregard of this rule by Captain Winslow, he requested me to communicate to him the determination of this government, and apprise him of the necessity of complying with the rule. Inasmuch as nothing was to be gained by inviting the application of force, and increased difficulties might follow that course, I have communicated to Captain Winslow the letter of which I herewith send you a copy.

M. Drouyn de Lhuys furthermore informed me that this government, after much conference, (and, I think, some hesitation,) had concluded not to issue an order prohibiting an accession to the crew of the Florida while in port, inasmuch as such accession was necessary to her navigation. They had made inquiries, it would seem, and said they had ascertained that the seventy or seventy-five men discharged after she came into Brest were discharged because the period for which they had shipped had expired. He said, furthermore, that it was reported to him that the Kearsarge had likewise applied for some sailors and a pilot in that port, as well as for coal and leave to make repairs, all of which had been and would be, if more were needed, cheerfully granted.

I told him I was quite confident the Kearsarge had made no attempt to ship a crew there, and that, as respects a pilot, that stood on ground peculiar to itself, and had no reference to the general principle.

The determination which has been reached by the French authorities to allow the shipment of a crew, or so large a portion of one, on board of the Florida while lying in their port, is, I think, wrong, even supposing that vessel a regularly commissioned ship of war. I told M. Drouyn de l'Huys that, looking at it as a mere lawyer, and clear of prejudices which my official position might create, I thought this determination an error. He said, however, that in the conference they had reached that conclusion unanimously, although a majority of the ministry considering the question were lawyers.—(*The same to the same,* 21st October, 1863.)

The Florida remained in the harbor of Brest, repairing and refitting, during nearly six months, from the 23d August, 1863, till the 9th February, 1864.

On the 13th April, 1864, the Florida touched at Bermuda, but remained only a very short time, anchoring on the afternoon of that day and putting to sea the same evening.

On the 18th June, 1864, she again arrived at Bermuda, and obtained permission to remain during five days for the purpose of making necessary repairs. The circumstances which occurred, and the course pursued by the authorities at Bermuda, are set forth in the subjoined dispatch from the acting governor:[1]

BERMUDA, *July* 7, 1864.

SIR: I have the honor to report the following particulars connected with a recent visit to these islands of the Confederate States steamer Florida. On Saturday, the 18th June, the Florida arrived at the outer anchorage, and Commander Morris sent one of his officers to report his arrival and ask permission to take in coal, and permission, also, to effect some repairs. I was informed that no supplies or coal had been furnished to the Florida in any English port for ten months past, and that it would not be possible to ascertain the full extent of the repairs necessary until the vessel came into port. I then gave permission for the Florida to be brought into Saint George's Harbor for twenty-four hours, exclusive of Sunday. The vessel came in accordingly on Sunday, and, shortly after his arrival, Commander Morris waited upon me and delivered me a letter asking that the repairs which were found necessary might be carried out at Her Majesty's dock-yard. I immediately transmitted this letter to Vice-Admiral Sir James Hope, who declined to allow any repairs to be carried out in the dock-yard, but offered to send competent officers on board the Florida to ascertain the extent of the repairs necessary. Commander Morris was very glad to obtain the opinion of these officers, and the knowledge was necessary to me, in order that I might judge what time should be granted. The admiral sent the flag lieutenant, chief engineer, and two assistant engineers on board the Florida, and they reported on the vessel:

"1st. She can proceed to sea with such repairs as can be made good here, which, as far as we are able to judge, will require five days for one man, viz, a diver for two days and a fitter for three days, or three complete days in all.

"2d. She can proceed to sea with safety in her present state under steam, but [73] under sail *is unmanageable with her screw up in bad weather, and her defects aloft (cross-trees) render main top-mast unsafe. This could be made good in two days."

I consulted personally with Sir James Hope, and gave Commander Morris permission to remain five working days in Saint George's to complete the repairs. I also furnished Commander Morris with printed extracts of some portion of the circular dispatch dated the 16th July, 1863, informing him of the regulations under which alone he could be allowed to take in coal. He asserted that Mobile was the first confederate port he expected to visit, and reports that he took in about eighty tons of coal. The five working days expired on the 27th June, and the Florida quitted Saint George's harbor on that day, but was seen off the island on the following day and also on the morning of the 29th. I had the advantage of the advice of Sir James Hope until he quitted Bermuda in the Duncan for Halifax, and our views were completely in accord. During this visit the conduct and demeanor of Commander Morris were all that I could wish, and he appeared very desirous to avoid the least infringement of the instructions laid down in Her Majesty's proclamation. Since that time, however, I cannot think Commander Morris has behaved quite properly. On the 28th June the Florida was seen off the islands all day, and also on the morning of the 29th. Again she was signaled off the south side on the 2d July, about 7.30 a. m., and on the afternoon, about 4 p. m. I received a verbal message to say that two men, supposed to be deserters, had been found on board, and requested that I would send some persons off to identify them, in a steam-tug that was going off to visit the Florida. The departure of this tug was delayed until after sunset, and the fort adjutant then perceived that she was going to tow out a barge full of coal. This officer immediately told Mr. Black, who is temporarily acting as agent for the Confederate States, that he ought not to take out coal without the governor's permission. Mr. Black then sent me a note, of which I inclose a copy, asking for permission to take out fifteen tons of coal to the Florida in consequence of her having returned to Bermuda for the purpose of bringing back the two deserters. To this I immediately replied that I could not sanction any further issue of coal. The fort adjutant was present when my letter was delivered to Mr. Black, and at that moment the tug-steamer started off to the Florida with the barge in tow. Mr. Black stated that she had gone without his orders, and that he would follow her in a gig. This he did, and I am informed that about half the coals had been already taken on board before Mr. Black had arrived in the gig, and the remainder was brought back.

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[1] Appendix, vol. i, p. 132.

The deserter belonging to the royal engineers was placed on board and handed over. It will be observed in Mr. Black's note that he stated the deserters were discovered in twenty-four hours. The Florida remained in sight for at least thirty-six hours after her departure, and the deserter was not landed for five days.

Commander Morris never applied to me for permission to take the coal, I suppose, being fully aware that the circular dispatch of the 16th July, 1863, prohibited coal being supplied to vessels such as his, which "had consumed their fuel in cruising" as he had done in sight of these islands.

Mr. Black, who belongs to the Southern States, states that he sent the coal at the request of Commander Morris. The Florida then immediately left the islands, and has not since been seen.

I beg to annex a copy of a printed extract from the circular dispatch of the 16th July, 1863, which I forwarded to Commander Morris.

I have, &c.,
(Signed) WILLIAM MUNRO.

With reference to these circumstances the following correspondence passed between Mr. Adams and Earl Russell:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 19, 1864.

MY LORD: It is with very great regret that I find myself compelled to call the attention of your lordship to the abuse made of the neutrality of the island of Bermuda by the vessels under the direction of the insurgents in the United States, in making it a base for hostile operations against the commerce of a friendly nation. I have the honor to submit to your consideration the copy of an extract from a report of Mr. Allen, consul of the United States at that place, to the Secretary of State, in which he makes certain statements respecting the reception there of the gun-boat known under the name of the Florida, and her subsequent proceedings, which appear to be directly in violation of the regulations heretofore laid down by Her Majesty's government. I beg permission to remind your lordship of the remonstrances which were promptly made, a short time since, in the case of one of the vessels of the United States, for proceedings of a far less exceptionable character.

Not doubting the disposition of Her Majesty's government to do full justice in the premises, I pray, &c.,
(Signed) CHARLES FRANÇIS ADAMS.

[Inclosure.]

Mr. Allen to Mr. Seward.

UNITED STATES CONSULATE, *Bermuda, June* 30, 1864.

SIR: The Florida, after remaining in port nine days, went to sea last Monday evening, but has not been far from land. She is in sight to day from the hills, about
[74] six miles off. She boards all vessels * approaching these islands. She received
all the coal and supplies they wanted. The coal was taken from the ship Storm King, C. L. Hobson, of Richmond, agent.

I am, &c.,
(Signed) C. M. ALLEN, *Consul.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 5, 1864.

SIR: In reply to your note of the 19th ultimo respecting the proceedings of the Florida at Bermuda, I have the honor to inform you that Her Majesty's government have received reports on the same subject from Her Majesty's colonial and naval authorities, and that, after due consideration of the same, they are of opinion that although some disposition was manifested by the commander of the Florida to evade the stringency of Her Majesty's regulations, the most commendable strictness and diligence in enforcing those regulations was observed on the part of the authorities, and that no substantial deviation, either from the letter or from the spirit of those regulations was permitted to, or did, take place.

I have further the honor to inform you that Her Majesty's government consider that the conduct of the lieutenant governor of Bermuda on the occasion in question was perfectly proper.

I am, &c.,
(Signed) RUSSELL.

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[1] Appendix, vol. i, p. 134.

On or about the 5th October, 1864, the Florida entered the port of Bahia. On this occasion the following correspondence passed between the United States consul at that place and the president of the province of Bahia:[1]

The United States consul to the president of the province.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, October 5, 1864—9 a. m.

SIR: This morning a steamer anchored in this port bearing the flag adopted by those who are involved in the rebellion against the Government of the United States of America, and I am informed that the said vessel is the Florida, which is engaged in capturing vessels navigating under the flag of the United States of America, and in destroying them by making bonfires of them and their cargoes.

The vessel in question is not commissioned by any recognized government whatever, and her officers and crew are composed of persons of various nationalities, who are not subject to any international or civilized law, and are consequently not entitled to the privileges and immunities conceded to vessels navigating under the flag of a civilized nation. I therefore protest, in the name of the United States of America, against the admission of this vessel to free practice, by which she might be enabled to supply herself with coal, provisions, tackle, or utensils of any kind whatever, or receive on board any persons whatever; finally, against any assistance, aid, or protection might be conceded to her in this port, or any other belonging to this province.

I likewise claim that the piratical cruiser which, in combination with the pirate Alabama, violated the sovereignty of the imperial government of Brazil, by capturing and destroying vessels belonging to citizens of the United States of America within the territorial waters of Brazil, near the island of Fernando de Noronha, in April, 1863, be detained with all her officers and crew, in order to answer for so flagrant a violation of the sovereignty of the government of Brazil and of the rights of citizens of the United States within the jurisdiction of the Brazilian government.

I avail, &c.,
(Signed) THOMAS F. WILSON,
Consul of the United States.

His Excellency ANTONIO JOAQUIM DA SILVA GOMES,
President of the Province of Bahia.

The president of the province to Mr. Wilson.

PALACE OF THE GOVERNMENT OF THE PROVINCE OF BAHIA,
October 5, 1864.

In a note, dated this day, Mr. Thomas F. Wilson, consul of the United States, claims that the steamer Florida, now anchored in this port, shall not be admitted to free pratique, nor obtain permission to provide herself with coal, provisions, supplies, and utensils of any kind whatever, nor receive on board any person whatever; he likewise requests that, as the cruiser, in combination with the Alabama, violated the sovereignty of the imperial government of Brazil, by capturing and destroying vessels belonging to citizens of the United States of America within the territorial waters of the empire, near the island of Fernando de Noronha, in April, 1863, she may be detained, with all her officers and crew, in order to answer for this flagrant violation of the sovereignty of the government of Brazil and of the rights of citizens of the United States within the jurisdiction of the Brazilian government.

In reply to the consul, I have to inform him that, as the said vessel belongs to the Confederate States, in whom the imperial government recognized the character [75] of belligerents, all the assistance * required by humanity may be furnished her, which does in no wise constitute assistance for warlike purposes, as laid down by international law, and does not conflict with that neutrality which this government studiously seeks to preserve, and has always preserved, in the contest between the States of North America. The undersigned cannot, therefore, admit the first portion of the claim of the consul, in the general manner in which it was presented, and particularly in relation to those articles considered as contraband of war, in conformity with instructions issued on that subject by the imperial government, and according to which the said vessel will only be permitted to remain in this port for the length of time absolutely indispensable.

In regard to the second part of his note, it is my duty to observe to the consul that, even if it were fully established that the Florida had previously violated neutrality, such a proceeding would scarcely authorize us to refuse her permission to enter the ports of the empire, and would never warrant us to commit the acts required by the consul, which would be equivalent to a hostile rupture, without the intervention of the supreme government of the state, which is alone competent to authorize such a rupture.

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[1] Extracted from the "World" (American journal) of December 2, 1864. (See Appendix, vol. i, p. 146.)

I renew, &c.,
(Signed) ANTONIO JOAQUIM DA SILVA GOMES.

Mr. THOMAS F. WILSON,
Consul of the United States.

Before dawn on the morning of the 7th October, 1864, the Florida was surprised and captured in the port of Bahia by the United States war-steamer Wachusett, and was carried as a prize to the United States. Shortly after her arrival she sank in Chesapeake Bay, in consequence, as was affirmed, of having sprung a leak during her voyage and of having been injured while at anchor by a United States transport-steamer.

The government of Brazil protested immediately, in strong terms, against this violation of its sovereignty and of the neutrality of the port; and the United States minister at Rio declared, in reply, that the capture of the Florida had not been directed or authorized by himself, condemned the act of the captain of the Wachusett, and promised that reparation should be made.

Mr. Seward, on learning what had occurred, wrote as follows to the United States minister at Rio:[1]

Mr. Seward to Mr. Webb.

DEPARTMENT OF STATE,
Washington, November 11, 1864.

SIR: In the years 1862 and 1863, remonstrances were addressed by us to the government of Brazil against the policy, different as it was from that of all other American States, in regard to the furnishing of shelter and a haven to pirates who were engaged in depredating upon the peaceful commerce of the United States. The correspondence came to a close without having produced any satisfactory result, and not without leaving a painful presentiment that a continuance of measures so injurious to the United States would sooner or later affect the harmonious relations heretofore existing between the two countries.

We have just now heard of the capture of the Florida by the Wachusett, at Bahia, and of the consequent hostilities adopted by the Brazilian forces in that port; but we have no particular information of the circumstances which preceded the collision, and our information concerning the transaction itself is incomplete. At the same time, we are absolutely without knowledge of any correspondence that it may have elicited between yourself and the Brazilian government.

In this stage of the matter, the President thinks it proper that you should inform the minister of foreign affairs that we are not indisposed to examine the subject upon its merits carefully, and to consider whatever questions may arise out of it, in a becoming and friendly spirit, if that spirit shall be adopted by His Imperial Majesty's government.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

With reference to this occurrence, the following correspondence passed between the Brazilian minister at Washington and the United States Secretary of State:[2]

[Translation.]

IMPERIAL LEGATION OF BRAZIL,
Washington, December 12, 1864.

The undersigned, chargé d'affaires *ad interim* of His Majesty the Emperor of Brazil, has just received orders from his government to address himself, without delay, to that of the United States of North America about an act of the most transcendent gravity done on the morning of the 7th day of October last, in the port of the capital of the province of Bahia, by the war-steamer Wachusett, belonging to the Navy of the

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[1] Appendix, vol. i, p. 152.

[2] Ibid., p. 153.

Union, an act which involves a manifest violation of the territorial jurisdiction of the empire, and an offense to its honor and sovereignty.

On the fourth day of the month referred to, there entered that port, where already had been lying for some days the Wachusett, the confederate steamer Florida, for the purpose, declared by her commander to the president of the province, to supply herself with alimentary provisions and coal, and to repair some tubes of her machinery.

[76] *The president, proceeding in accordance with the policy of neutrality which the empire resolved to adopt on the question in which unfortunately these States are involved, and in conformity with the instructions in this respect issued by the imperial government on the 23d of June of the year last past, assented to the application of the commander of the Florida, and fixed the term of forty-eight hours for taking in supplies, and fixing, in dependence on the final examination by the engineer of the arsenal, the determination of the residue of the time which, peradventure, should be deemed indispensable for the completion of the repairs.

The same authority at once took, with the greatest impartiality, all the measures necessary to avoid any conflict between the two hostile steamers.

The Florida was placed under cover of the batteries of the Brazilian corvette D. Januaria, on the in-shore side, at the request of her commander, who, reposing on the faith with which, without doubt, the chief authority of the province could not fail to inspire him, considered himself sheltered from any attack of his adversary, and in this confidence not only staid a night on shore, but gave liberty to a great part of the crew of his vessel.

It behooves me to say that, as soon as the confederate steamer entered the port at Bahia, the American consul, Wilson, addressed to the president a dispatch claiming that the Florida should not be admitted to free pratique, and that on the contrary she should be detained, alleging for this, that that vessel had, in concert with the Alabama, violated the neutrality of the empire by making captures in 1863, near the island of Fernando de Noronha.

Such exaggerated pretensions, founded on facts not proven, which had already been the subject of discussion between the imperial government and the legation of the United States, could not be even listened to.

If the president should have refused the hospitality solicited by the commander of the Florida, he would have infringed not only the duties of neutrality of the empire, but also those of humanity, considering that steamer, coming from Teneriffe, had been sixty-one days at sea, was unprovided with food, and with machinery in the worst condition.

Afterward, the president having stated to the same consul that he hoped, from his honor and loyalty toward a friendly nation, that he would settle with the commander of the Wachusett that he should respect the neutrality and sovereignty of the empire, he was answered affirmatively, the consul pledging his word of honor. Things were in this condition, the term of forty-eight hours being to expire at one o'clock of the afternoon of the 7th, when about dawn of that day, the commander of the steamer Wachusett, suddenly leaving his anchorage, passed through the Brazilian vessels of war and approached the Florida.

On passing across the bows of the Brazilian corvette D. Januaria, he was hailed from on board that he must anchor; but, as he did not attend to this intimation, and continued to approach the Florida, at the same time firing a gun and some musketry, the commander of the naval division of the empire stationed in those waters sent an officer to board the Wachusett and inform her commander that the ships of the division and the forts would open fire upon her if she should attack the Florida. The Brazilian officer was not allowed to make fast to the Wachusett, but the officer of the deck hailed him, saying in reply that he accepted the intimation given, that he would do nothing more, and that he was going to return to his anchorage. The commander of the Brazilian division then thought proper to ratify his intimation by firing a gun, upon which a complete silence followed between the two ships Wachusett and Florida.

At the time this was passing, the corvette D. Januaria, on board which the commander of division had hoisted his flag, lay head to flood, the steamer Florida anchored B. B., side by side of her, and quite close to the shore, and between her and the corvette the Wachusett stopped her wheels.

The commander of division then observing, notwithstanding the darkness of the night, that the Wachusett, from the position in which she was, kept moving onward and was passing ahead of the corvette, in a course E. B., became convinced that, in fact, she was steering for her anchorage, thus complying with the promise made.

But a few moments afterward, perceiving that the Florida was in motion, the commander discovered that the Wachusett was taking her off in tow by means of a long cable.

Surprised at such an extraordinary attempt, the commander immediately set about stopping this, and redressing, at the same time, as behooved him, the offense thus done to the dignity and sovereignty of the empire.

But availing himself of the darkness of the night, and of other circumstances, the commander of the Wachusett succeeded in carrying his prize over the bar, and escaping the just punishment he deserved.

The consul, Wilson, preferred to abandon his post, withdrawing on board the Wachusett.

The government of His Majesty, as soon as it had official information of the event addressed to the legation of the United States at Rio Janeiro a note, in which, giving a succinct exposition of the fact, it declared that it had no hesitation in believing it would hasten to give to it all proper assurances that the Government of the Union would attend to the just reclamation of the empire as promptly and fully as the gravity of the case demanded.

In correspondence with this expectative note, the worthy representative of the United States was prompt in sending his reply, in which he declares he is convinced that his Government will give to that of the empire the reparation which is due to it.

Such are the facts to which the undersigned has received order to call all the attention of the honorable William H. Seward, Secretary of State of the United States.

The principles of international law which regulate this matter, and in respect of which there is not the least divergence among the most distinguished publicists, are common and known to all. The undersigned would fail to recognize the high intelligence of the honorable Mr. Seward, if, perchance, he should enter in this respect into fuller developments.

He limits himself then only to recall a memorable example, in which these [77] principles, invariably *sustained by the United States, had entire application.

In 1793, the great Washington then being President of the United States, and the illustrious Jefferson Secretary of State, the French frigate l'Embuscade captured the English ship Grange, in Delaware Bay, thus violating the neutrality and the territorial sovereignty of the United States. The American Government remonstrated energetically against this violation, and required from the government of the French republic not only the immediate delivery of the captured vessel, but also the complete liberation of all the persons found on board. This reclamation was promptly satisfied. Much more grave, certainly, is the occurrence in the port of the province of Bahia, which makes the subject of the present note. By the special circumstances which preceded and attended it, this act has no parallel in the annals of modern maritime war.

The commander of the Wachusett not only gravely offended the territorial immunities of the empire, passing beyond the laws of war by attacking treacherously, during the night, a defenseless ship, whose crew, much reduced because more than sixty men were on shore with the commander and several officers, reposed unwary beneath the shadow of the protection which the neutrality of the empire guaranteed to them; and so open was the violation, so manifest the offense, that the enlightened American press was almost unanimous in condemnation of the inexcusable proceeding of Commander Collins.

On this occasion, remembering the United States, whose antecedents are well known and noted in history by the energetic defense of and respect for neutral rights, of these unshaken principles, the undersigned cannot consider the event which occurred at Bahia otherwise than as the individual act of the commander of the Wachusett, not authorized or approved by his Government, and that it will consequently give to the government of His Majesty the Emperor the explanations and reparation which, in conformity with international laws, are due to a power which maintains friendly and pacific relations with the United States.

The just reclamation of the imperial government being thus presented, the undersigned awaits the reply of the honorable Mr. Seward, and, fully confiding in his exalted wisdom and in the justice of the Government of the United States, he has not even for a moment doubted but that it will be as satisfactory as the incontestable right which aids the empire and the vast gravity of the offense which was done to it may require.

The undersigned, &c.

(Signed) IGNACIO DE AVELLAR BARBOZA DA SILVA.

His Excellency the Hon. WILLIAM H. SEWARD.

Mr. Seward to Mr. Barboza.

DEPARTMENT OF STATE,
Washington, December 20, 1864.

SIR: I have the honor to acknowledge the receipt of your note, which sets forth the sentiments of the imperial government of Brazil concerning the capture of the Florida by the United States war-steamer Wachusett in the port of Bahia.

You will, of course, explain to your government that, owing to an understanding between you and myself, your note, although it bears the date of the 12th December, was not submitted to me until the 21st instant.

Jealousy of foreign intervention in every form, and absolute non-intervention in the domestic affairs of foreign nations, are cardinal principles in the policy of the United States. You have therefore justly expected that the President would disavow and regret the proceedings at Bahia. He will suspend Captain Collins and direct him to appear before a court-martial. The consul at Bahia admits that he advised and incited the captain and was active in the proceedings. He will therefore be dismissed. The flag of Brazil will receive from the United States Navy the honor customary in the intercourse of friendly maritime powers.

It is, however, not to be understood that this Government admits or gives credit to the charges of falsehood, treachery, and deception which you have brought against the captain and the consul. These charges are denied on the authority of the officers accused.

You will also be pleased to understand that the answer now given to your representation rests exclusively upon the ground that the capture of the Florida was an unauthorized, unlawful, and indefensible exercise of the naval force of the United States within a foreign country in defiance of its established and duly recognized government.

This Government disallows your assumption that the insurgents of this country are a lawful naval belligerent; and, on the contrary, it maintains that the ascription of that character by the government of Brazil to insurgent citizens of the United States, who have hitherto been and who still are destitute of naval forces, ports, and courts, is an act of intervention in derogation of the law of nations and unfriendly and wrongful, as it is manifestly injurious, to the United States.

So also this Government disallows your assumption that the Florida belonged to the aforementioned insurgents, and maintains, on the contrary, that that vessel, like the Alabama, was a pirate, belonging to no nation or lawful belligerent, and therefore that the harboring and supplying of these piratical ships and their crews in Brazilian ports were wrongs and injuries for which Brazil justly owes reparation to the United States as ample as the reparation which she now receives from them. They hope and confidently expect this reciprocity in good time, to restore the harmony and friendship which are so essential to the welfare and safety of the two countries.

In the positions which I have thus assumed the imperial government will recognize an adherence to rights which have been constantly asserted, and an enduring sense of injuries which have been the subject of earnest remonstrance by the United States during the last three years. The government of Brazil is again informed that these positions of this Government are no longer deemed open to argument.

It does not, however, belong to the captains of ships of war of the United [78] States, or to the *commanders of their armies, or to their consuls residing in foreign ports, acting without the authority of Congress, and without even Executive direction, and choosing their own time, manner, and occasion, to assert the rights and redress the wrongs of the country. This power can be lawfully exercised only by the Government of the United States. As a member of the family of nations, the United States practice order, not anarchy, as they always prefer lawful proceedings to aggressive violence or retaliation. The United States are happy in being able to believe that Brazil entertains the same sentiments. The authorities at Bahia are understood to have unsuccessfully employed force to overcome the Wachusett and rescue the Florida, and to have continued the chase of the offender beyond the waters of Brazil, out upon the high seas. Thus, in the affair at Bahia, subordinate agents, without the knowledge of their respective governments, mutually inaugurated an unauthorized, irregular, and unlawful war. In desisting from that war on her part, and in appealing to this Government for redress, Brazil rightly appreciated the character of the United States, and set an example worthy of emulation.

The disposition of the captured crew of the Florida is determined upon the principles which I have laid down. Although the crew are enemies of the United States, and, as they contend, enemies of the human race, yet the offenders were, nevertheless, unlawfully brought into the custody of this Government, and therefore they could not lawfully be subjected here to the punishment which they have deserved; nor could they, being enemies, be allowed to enjoy the protection of the United States. They will therefore be set at liberty, to seek a refuge wheresover they may find it, with the hazard of recapture when beyond the jurisdiction of this Government.

The Florida was brought into American waters and was anchored, under naval surveillance and protection, at Hampton Roads. While awaiting the representation of the Brazilian government, on the 28th November, she sunk, owing to a leak which could not be seasonably stopped. The leak was at first represented to have been caused, or at least increased, by a collision with a war-transport. Orders were immediately given to ascertain the manner and circumstances of the occurrence. It seemed to affect the Army and the Navy. A naval court of inquiry and also a military court of inquiry were charged with the investigation. The naval court has submitted its report, and a copy thereof is herewith communicated. The military court is yet engaged. So soon as its labors shall have ended, the result will be made known to your Government. In the mean time it is assumed that the loss of the Florida was a consequence of some unforeseen accident, which cast no responsibility upon the United States.

I avail, &c.,
(Signed) WILLIAM H. SEWARD.[1]

Senhor IGNACIO DE AVELLAR BARBOZA DA SILVA, &c.

It has been stated above that the crew of the Florida were shipped principally at Mobile. Representations having been made to Her Majesty's government to the effect that some of the men who served in her were British subjects, the law-officers of the Crown were consulted on the question whether proceedings could be instituted against these persons for an infringement of the foreign enlistment act. The law-officers advised as follows:[2]

> We do not think that sufficient evidence has yet been obtained to warrant the institution of proceedings against any of these seamen.
>
> If it were shown that their enlistment on board the Florida had taken place in England, or within British jurisdiction, they might perhaps have been presumed to be natural-born British subjects, owing obedience at that time to British law; so far, at all events, as to make slight evidence in confirmation of that presumption sufficient.
>
> Next it appears, by the fourth column of the list annexed to Thompson's first affidavit, that, with two exceptions only, all these men took service on board the Florida beyond the limits of British jurisdiction, and by far the greater number of them at Mobile, within the territory of the Confederate States. With respect to the two, Dennis Sullivan and Charles Ballinger, who are alleged, the one to have enlisted at Nassau, and the other to have been shipped at the first, (which we suppose means when the ship first sailed from England,) no evidence whatever has yet been obtained in support of either of these allegations.
>
> In the former report of the law-officers upon this subject it was noticed that the first section of the foreign enlistment act, which prohibits the enlistment of British subjects in the belligerent service of any foreign power, is not limited (as the seventh section as to equipping vessels is) to acts done within British jurisdiction, but that it seems to be intended to apply, and is in its literal terms applicable, to all natural-born British subjects who may enter into the service of any foreign belligerent power without Her Majesty's license, wheresoever the prohibited act may be done. Assuming this to be the construction and effect of the statute, we apprehend that it would be impossible to procure a conviction under it in the case of persons who were not resident within British jurisdiction at the time of their taking foreign service, without strict proof that such persons were in fact, at the time of their doing so, natural-born British subjects, owing exclusive obedience, wherever they might be, to the statute law of Great Britain; and we think it is at least very doubtful whether those sections of the statute would be held to be applicable to any persons who were naturalized, or even domiciled, at the time of their taking such service, within the territory of the belligerent power in whose service they enlisted.
>
> [79] *Bearing these considerations in mind, we turn to the original depositions of Thompson and Müller, and we find in the former no evidence whatever bearing upon the essential question of the nationality and origin of any of these seamen; while the statements of the latter, as to seventeen of the thirty-three persons who are described as of British origin in the second column of the lists, depend upon admissions or inferences of so loose a character that we do not think any reliance ought to be placed upon them. So far as they rest only on the deponent's belief, they are inadmissible; so far as they prove that certain individuals associated on board the ship as Irishmen, and sung Irish songs, &c., they are insufficient; and we think it would be unsafe to trust to the statements of this witness as to the admissions said to have been made by some of the parties (as we count them, by seven only, viz, Considine, Conway, Doris, McNevin, McCabe, McGarroch, and Welch) to the effect that Ireland was their home, their country, or the place of residence of their parents. Every one of these seven persons, it is to be remembered, joined the Florida, according to the lists, at Mobile; and it may serve as some test of the value of this kind of evidence, that the same witness makes very similar statements as to four other seamen, (Taylor, Rivers, Grover, and King,) with a view to prove them to be either Englishmen or Irishmen, although they are described as native Americans in the second column of the list referred to in his own affidavit.
>
> The opinion which we had formed, as above expressed, upon the perusal of the original depositions of Thompson and Müller is strongly confirmed by the subsequent

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[1] These two letters, as well as the preceding one, are extracted from the Daily Morning Chronicle, (American journal,) of 31st December, 1864.

[2] Appendix, vol. i, p. 124.

affidavit of Thompson, who in that affidavit speaks of admissions made to him by eighteen of these seamen, to the effect that they were born in Ireland, Scotland, or England; and by six others, to the effect either that they were Irishmen, or that Ireland or Liverpool was their home.

But of these twenty-four persons there are only seven on whose history any further light is thrown by these depositions, and every one of these seven appears to have emigrated from Great Britain or Ireland to the United States previous to the existing civil war, under circumstances from which it is *prima facie* to be inferred that, at the time when he took service on board the Florida, he was either a naturalized or a domiciled American. Some of them appear to have resided for many years in the United States; and two (Good and Doris) are expressly stated to have acquired the rights of citizens there, and to have voted at presidential and other elections. With respect to the rest of the crew there is nothing whatever to show that they may not have enlisted under similar circumstances.

As to all persons so situated, we think that it would be a reasonable construction of the foreign enlistment act to hold that, although they are natural-born subjects of Her Majesty, the word "foreign," which pervades the first section of the statute, is not, as regards them, applicable to the service into which they have entered. And even assuming that this construction might not be admitted, we think that it would not be a proper exercise of discretion on the part of the Crown to attempt to put the statute in force, so far as relates to acts done by persons so situated beyond the limits of British jurisdiction, and within the territory in which such persons may have been naturalized or domiciled.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

LINCOLN'S INN, *October* 20, 1863.

SUMMARY.

The Florida was a vessel built at Liverpool by a firm of ship-builders there, to the order of another Liverpool firm carrying on an extensive business as engineers and iron-founders. She was stated to be ordered for and on account of a person resident at Liverpool, who was a partner in a mercantile house at Palermo, and upon the completion of the vessel this person was duly registered as her owner, on his own declaration. Her builders stated that, according to the best of their information, they believed her to be really destined for Palermo.

She was a vessel built for speed, and her internal fittings and arrangements were not such as are usual in vessels constructed to carry cargo, but were suitable to a ship of war. She was unarmed, however, and had on board no guns, carriages, ammunition, or other warlike stores of any kind.

No facts whatever proving, or tending to prove, that she was intended to cruise or carry on war against the United States were ever, before the departure of this ship, communicated by Mr. Adams or Mr. Dudley to Her Majesty's government. Mr. Adams alleged, indeed, that advances of money had been made to the firm which ordered the vessel, and to that which constructed her, by the firm of Fraser, Trenholm & Co., who were believed to have been engaged in blockade-running, and to be employed as agents for the Government of the Confederate States; but this assertion, whether material or not, was not substantiated in any way. These were all the facts respecting the vessel which had been communicated to or were in the possession of Her Majesty's Government previously to and at the time of her departure from England.

It is certain that, had the vessel been seized by Her Majesty's government, a court of law would have ordered, and would indeed have been bound to order, the immediate restoration of her, for want of evidence to support a forfeiture. It was not the duty of Her Majesty's government to seize a vessel which it would have been the duty of a court of law to restore.

The means and opportunities possessed by Mr. Adams and [80] Mr. Dudley of ascertaining *the truth were fully as great as those possessed by Her Majesty's government. They were, indeed, greater; since Mr. Dudley was the United States consul on the spot, in constant communication with Americans of all classes, always on the watch for information, and provided with means of gaining it which could not have been employed by Her Majesty's government.

The vessel sailed from Liverpool with a clearance for Palermo and Jamaica, unarmed, and with no warlike stores of any kind, under the command of a master belonging to the British mercantile marine, and manned by a crew who were not enlisted for the confederate service and had no thought or intention of engaging in it, and who afterward left the ship as soon as they conceived a suspicion that she might be employed in that service.

Although no directions, nor any notice or warning, had or could have been sent to the authorities of Nassau before her arrival there, the vessel was, upon her arrival and while she remained there, strictly watched by order of the governor; a ship of war was placed near to her; she was finally seized by order of the governor; and proceedings were instituted against her in the proper court of the colony. On being released by the decree of the court, she sailed from Nassau unarmed, and with a clearance for New Brunswick.

Before committing any hostilities against vessels of citizens of the United States, she sailed for and entered a port of the Confederate States, where she remained during more than four months and was put in condition for war, and enlisted a crew, and from whence she was finally sent out to cruise.

She was commissioned as a ship of war of the Confederate States, and was commanded by an officer commissioned by the *de facto* government of those States. She was received on the footing of a public ship of war in the ports of neutral nations—Spain, France, and Brazil; and on the same footing, and in the same manner, without favor or partiality, she was received likewise in those ports of the British colonies which she had occasion to enter.

The United States ships of war blockading the port of Mobile failed to capture the Florida when she entered it, under circumstances which made the capture so easy of accomplishment, that the officer to whose incapacity the failure was due was dismissed the service. They again failed to capture her when she left the port to commence her cruise. From that time, until her unlawful seizure in the port of Bahia, she was, for a year and nine months, engaged in cruising, sometimes near the coast of the United States. It does not appear, however, that during all that period she was ever encountered or chased by a United States ship of war. No serious endeavor, indeed, to intercept or capture her appears to have been made on the part of the Government of the United States.

Her Britannic Majesty's government cannot admit that, in respect of the Florida, it is justly chargeable with any failure of international duty for which Great Britain owes reparation to the United States.

*PART VI.

STATEMENT OF FACTS RELATIVE TO THE ALABAMA.

On the 24th June, 1862, Earl Russell received from Mr. Adams the following note with an inclosure:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, June 23, 1862.

PART VI.—The Alabama.

MY LORD: Some time since it may be recollected by your lordship that I felt it my duty to make a representation touching the equipment from the port of Liverpool of the gun-boat Oreto with the intent to make war upon the United States. Notwithstanding the statements returned from the authorities of that place, with which your lordship favored me in reply, touching a different destination of that vessel, I have the strongest reason for believing that that vessel went directly to Nassau, and that she has been there engaged in completing her armament, provisioning, and crew for the object first indicated by me.

I am now under the painful necessity of apprising your lordship that a new and still more powerful war-steamer is nearly ready for departure from the port of Liverpool on the same errand. This vessel has been built and launched from the dock-yard of persons, one of whom is now sitting as a member of the House of Commons, and is fitting out for the especial and manifest object of carrying on hostilities by sea. It is about to be commanded by one of the insurgent agents, the same who sailed in the Oreto. The parties engaged in the enterprise are persons well known at Liverpool to be agents and officers of the insurgents in the United States, the nature and extent of whose labors are well explained in the copy of an intercepted letter of one of them which I received from my Government some days ago, and which I had the honor to place in your lordship's hands on Thursday last.

I now ask permission to transmit, for your consideration, a letter addressed to me by the consul of the United States at Liverpool, in confirmation of the statements here submitted, and to solicit such action as may tend either to stop the projected expedition, or to establish the fact that its purpose is not inimical to the people of the United States.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

The "copy of an intercepted letter" referred to in the above note was a paper purporting to be a copy of a letter or report from a confederate officer of artillery, addressed to some person unknown, and relating to purchases of military supplies for the confederate army, and to vessels employed in blockade-running. The inclosure was as follows:

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, June 21, 1862.

SIR: The gun-boat now being built by the Messrs. Laird & Co., at Birkenhead, opposite Liverpool, and which I mentioned to you in a previous dispatch, is intended for the so-called confederate government in the Southern States. The evidence I have is entirely conclusive to my mind. I do not think there is the least room for doubt about it. Beaufort and Caddy, two of the officers from the privateer Sumter, stated that this vessel was being built for the Confederate States. The foreman in Messrs. Lairds' yard says she is the sister to the gun-boat Oreto, and has been built for the same parties and for the same purpose; when pressed for a further explanation he stated that she was to be a privateer for the "southern government of the United States." The captain and officers of the steamer Julia Usher, now at Liverpool, and which is loaded to run the blockade, state that this gun-boat is for the confederates, and is to be commanded by Captain Bullock.

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[1] Appendix, vol. i, p. 177.

The strictest watch is kept over this vessel; no person except those immediately engaged upon her is admitted into the yard. On the occasion of the trial trip made last Thursday week, no one was admitted without a pass, and these passes were issued to but few persons, and those who are known here as active secessionists engaged in sending aid and relief to the rebels.

I understand that her armament is to consist of eleven guns, and that she is to enter at once, as soon as she leaves this port, upon her business as a privateer.

The vessel is very nearly completed; she has had her first trial trip. This trial was successful, and entirely satisfactory to the persons who are superintending her [82] construction. She will be finished *in nine or ten days. A part of her powder-canisters, which are to number 200, and which are of a new patent, made of copper with screw tops, are on board the vessel; the others are to be delivered in a few days. No pains or expense have been spared in her construction. Her engines are on the oscillating principle, and are 350 horse-power. She measures 1,050 tons burden, and will draw 14 feet of water when loaded. Her screw or fan works in a solid brass frame casting, weighing near two tons, and is so constructed as to be lifted from the water by steam-power. The platforms and gun-carriages are now being constructed.

When completed and armed she will be a most formidable and dangerous craft; and, if not prevented from going to sea, will do much mischief to our commerce. The persons engaged in her construction say that no better vessel of her class was ever built.

I have, &c.,
(Signed) THOS. H. DUDLEY.

The attention of Mr. Adams had been called by Mr. Dudley to the vessel mentioned in the foregoing note and inclosure, both before she was launched and immediately afterward. The launching of this vessel took place on the 15th May, 1862, about a month before the date of Mr. Adams's first representation to Earl Russell. Mr. Dudley's attention had been directed to the vessel in November, 1861, immediately on his arrival at Liverpool.

Immediately on the receipt of Mr. Adams's note, Mr. Hammond, one of the under-secretaries of state for foreign affairs, wrote, by the direction of Earl Russell, to the secretary to the treasury and to the law-officers of the Crown, as follows:[1]

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *June* 25, 1862.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from the United States minister at this court, calling attention to a steamer reported to be fitted out at Liverpool as a southern privateer, and inclosing a copy of a letter from the United States consul at that port, reporting the result of his investigations into the matter; and I am to request that you will move the lords commissioners of Her Majesty's treasury to cause immediate inquiries to be made respecting this vessel and to take such steps in the matter as may be right and proper.

I am, &c.,
(Signed) E. HAMMOND.

Mr. Hammond o the law-officers of the Crown.

FOREIGN OFFICE, *June* 25, 1862.

GENTLEMEN: I am directed by Earl Russell to transmit to you a letter from the United States minister at this court, calling attention to a steamer reported to be fitting out at Liverpool as a southern privateer, and inclosing a copy of a letter from the United States consul at that port reporting the result of his investigations into the matter; and I am to request that you will take these papers into your consideration and favor Lord Russell with any observations you may have to make upon this question.

I am, &c.,
(Signed) E. HAMMOND.

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[1] Appendix, vol. i, pp. 180, 181.

Copies of Mr. Adams's note and Mr. Dudley's letter were sent with each of the two preceding letters for the information of the lords commissioners of the treasury and the law-officers, respectively. Earl Russell, on the same day, wrote as follows to Mr. Adams:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 25, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, calling attention to a steam-vessel which you state is now fitting out at Liverpool with the intention of carrying on hostilities against the Government of the United States; and I have to acquaint you that I have lost no time in referring the matter to the proper department of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

The law-officers of the Crown, on the 30th June, 1862, made their report, as follows:[2]

The law-officers of the Crown to Earl Russell.

TEMPLE, *June* 30, 1862.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 25th June instant, stating that he was directed by your [83] lordship to transmit to us a letter from the United *States minister at this court, calling attention to a steamer reported to be fitted out at Liverpool as a southern privateer, and inclosing a copy of a letter from the United States consul at that port, reporting the result of his investigations into the matter, and to request that we would take these papers into our consideration and favor your lordship with any observations we might have to make upon this question.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That, if the representation made to Her Majesty's government by Mr. Adams is in accordance with the facts, the building and equipment of the steamer in question is a manifest violation of the foreign enlistment act, and steps ought to be taken to put that act in force and to prevent the vessel from going to sea.

The report of the United States consul at Liverpool, inclosed by Mr. Adams, besides suggesting other grounds of reasonable suspicion, contains a direct assertion that the foreman of Messrs. Laird, the builders, has stated that this vessel is intended as a privateer for the service of the government of the Southern States; and, if the character of the vessel and of her equipment be such as the same report describes them to be, it seems evident that she must be intended for some warlike purpose.

Under these circumstances we think that proper steps ought to be taken, under the direction of Her Majesty's government, by the authorities of the customs at Liverpool, to ascertain the truth, and that, if sufficient evidence can be obtained to justify proceedings under the foreign enlistment act, such proceedings should be taken as early as possible. In the mean time, Mr. Adams ought, we think, to be informed that Her Majesty's government are proceeding to investigate the case; but that the course which they may eventually take must necessarily depend upon the nature and sufficiency of any evidence of a breach of the law which they may be enabled to obtain; and that it will be desirable that any evidence in the possession of the United States consul at Liverpool should be at once communicated to the officers of Her Majesty's customs at that port.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.

The commissioners of customs, on the 1st July, 1862, reported to the treasury as follows:[3]

Report by the commissioners of customs.

To the lords commissioners of Her Majesty's treasury:

Your lordships having referred to us the annexed letter from Mr. Hammond, the under-secretary of state for foreign affairs, transmitting, by desire of Earl Russell, copy of a letter from the United States minister at this court, calling attention to a steamer reported to be fitting out at Liverpool as a southern privateer, and inclosing copy of a letter from the United States consul at that port, reporting the result of his investigation into the matter, and requesting that immediate inquiries may be made respecting this vessel, and such steps taken in the matter as may be right and proper,

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[1] Appendix, vol. i, p. 180. [2] Ibid., p. 181. [3] Ibid., p. 182.

We report that, immediately on receipt of your lordships' reference, we forwarded the papers to our collector at Liverpool for his special inquiry and report, and we learn from his reply that the fitting out of the vessel has not escaped the notice of the officers of this revenue, but that as yet nothing has transpired concerning her which has appeared to demand a special report.

We are informed that the officers have at all times free access to the building-yards of the Messrs. Laird, at Birkenhead, where the vessel is lying; and that there has been no attempt on the part of her builders to disguise what is most apparent, that she is intended for a ship of war; and one of the surveyors in the service of this revenue, who had been directed by the collector personally to inspect the vessel, has stated that the description of her in the communication of the United States consul is correct, with the exception that her engines are not constructed on the oscillating principle. Her dimensions are as follows: Length, 211 feet 6 inches; breadth, 31 feet 8 inches; depth, 17 feet 8 inches; and her gross tonnage, by the present rate of admeasurement, is 682.31 tons. The surveyor has further stated that she has several powder canisters on board, but, as yet, neither guns nor carriages, and that the current report in regard to the vessel is, that she has been built for a foreign government, which is not denied by the Messrs. Laird, with whom the surveyor has conferred; but they do not appear disposed to reply to any questions respecting the destination of the vessel after she leaves Liverpool. And the officers have no other reliable source of information on that point; and having referred the matter to our solicitor, he has reported his opinion that, at present, there is not sufficient ground to warrant the detention of the vessel, or any interference on the part of this department, in which report we beg to express our concurrence. And, with reference to the statement of the United States consul, that the evidence he has in regard to this vessel being intended for the so-called confederate government in the Southern States is entirely conclusive to his mind, we would observe that, inasmuch as the officers of customs of Liverpool would not be justified in taking any steps against the vessel unless sufficient evidence to warrant her detention should be laid before them, the proper course would be for the consul to submit such evidence as he possesses to the collector at that port, who would thereupon take such measures as the provisions of the foreign enlistment act would require. Without the production of full and sufficient evidence to justify their proceedings, the seizing officers might entail on themselves and on the government very serious consequences.

[84] * We beg to add that the officers at Liverpool will keep a strict watch on the vessel, and that any further information that may be obtained concerning her will be forthwith reported.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

CUSTOM-HOUSE, *July* 1, 1862.

A copy of the report of the commissioners of customs was, on the 4th July, 1862, transmitted by Earl Russell to Mr. Adams, inclosed in the following letter:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 4, 1862.

SIR: With reference to my letter of the 25th ultimo, I have the honor to inclose a copy of a report from the commissioners of customs, respecting the vessel which you have been informed is being built at Liverpool for the government of the so-styled Confederate States, and in accordance therewith I would beg leave to suggest that you should instruct the United States consul at Liverpool to submit to the collector of customs at that port such evidence as he may possess tending to show that his suspicions as to the destination of the vessel in question are well founded.

I am, &c.,

(Signed) RUSSELL.

Mr. Adams replied as follows:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 7, 1862.

MY LORD: I have the honor to acknowledge the receipt of your note of the 4th instant, covering a copy of the report from the commissioners of customs respecting a vessel presumed by me to be in course of preparation at Liverpool to carry on hostile operations against the United States.

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[1] Appendix, vol. i, p. 184.

In accordance with your lordship's suggestion, I shall at once instruct the consul of the United States to submit to the collector of customs at that port such evidence as he possesses to show that the suspicions he entertains of the character of that vessel are well founded.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

On the 10th July, 1862, the collector of customs at Liverpool received from Mr. Dudley the following letter:[1]

The United States consul to the collector of customs, Liverpool.

LIVERPOOL, *July* 9, 1862.

SIR: In accordance with a suggestion of Earl Russell, in a communication to Mr. Adams, the American minister in London, I beg to lay before you the information and circumstances which have come to my knowledge relative to the gun-boat now being fitted out by Messrs. Laird, at Birkenhead, for the confederates of the southern United States of America, and intended to be used as a privateer against the United States.

On my arrival, and taking charge of the consulate at Liverpool in November last, my attention was called by the acting consul and by other persons to two gun-boats being or to be fitted out for the so-called confederate government: the Oreto, fitted out by Mr. Miller and Messrs. Fawcett, Preston & Co., and the one now in question. Subsequent events fully proved the suspicion with regard to the Oreto to be well founded; she cleared from Liverpool in March last for Palermo and Jamaica, but sailed direct for Nassau, where she now is receiving her armament as a privateer for the so-called Confederate Government; and my attention was called repeatedly to the gun-boat building by Mr. Laird, by various persons, who stated that she also was for a confederate privateer, and was being built by the Messrs. Lairds for that express purpose.

In May last two officers of the southern privateer Sumter, named Caddy and Beaufort, passed through Liverpool on their way to Havana and Nassau, and while here stated that there was a gun-boat building by Mr. Laird, at Birkenhead, for the southern confederacy; and not long after that a foreman employed about the vessel in Mr. Laird's yard stated that she was the sister of the Oreto, and intended for the same service, and, when pressed for an explanation, further stated that she was to be a privateer for the southern government in the United States.

When the vessel was first tried, Mr. Wellsman, one of the firm of Fraser, Trenholm & Co., (who are well known as agents for the confederate government,) Andrew and Thomas Byrne, and other persons, well known as having been for months actively engaged in sending munitions of war for said government, were present, and have accompanied her on her various trials, as they had accompanied the Oreto on her trial trip and on her departure.

In April last the southern screw-steamer Annie Childs, which had run the blockade out of Charleston, and the name of which was changed at this port to the Julia Usher, was laden with munitions of war, consisting of a large quantity of powder, rifled cannon, &c., by Messrs. Fraser, Trenholm & Co., for the southern confederacy, and left Liverpool to run the blockade under the command of a Captain *Hammer, and [85] having on board several of the crew of the privateer Sumter, to which I have before referred.

For some reason unknown this vessel came back and is now here. Since her return a youth named Robinson, who had gone in her as a passenger, has stated that the gun-boat building at Lairds' for the southern confederacy was a subject of frequent conversation among the officers while she (the Julia Usher) was out. That she was all the time spoken of as a confederate vessel; that Captain Bullock was to command her; that the money for her was advanced by Fraser, Trenholm & Co.; that she was not to make any attempt to run the blockade, but would go at once as a privateer; that she was to mount eleven guns; and that if the Julia Usher was not going, the six men from the Sumter, who were on board the Julia Usher, were to join the gun-boat. This youth, being a native of New Orleans, was extremely anxious to get taken on board the gun-boat, and wished the persons he made the communication to, to assist him and see Captain Bullock on his behalf. He has, I understand, been removed to a school in London. With reference to his statement, I may observe that Captain Hammer referred to is a South Carolinian, has been for many years in Fraser, Trenholm & Co.'s employ, is greatly trusted by them, and is also intimate with Captain Bullock, so that he would be likely to be well informed on the subject; and as he had no notion at that time of returning to Liverpool, he would have no hesitation in speaking of the matter to his officers and the persons from the Sumter. I may also state that Captain Bullock referred to is in Liverpool; that he is an officer of the confederate navy; that he was sent over here for the express purpose of fitting out privateers and sending over munitions of war; that he transacts his business at the office of Fraser, Trenholm & Co.; that he has been all the time in communication with Fawcett, Preston & Co., who fitted out the Oreto, and with Lairds', who are fitting out this vessel; that he goes almost daily on board the gun-boat, and seems to be recognized as in authority.

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[1] Appendix, vol. i, p. 185.

A Mr. Blair, of Paradise street, in this town, who furnished the cabins of the Laird gun-boat, has also stated that all the fittings and furniture were selected by Captain Bullock, and were subject to his approval, although paid for by Mr. Laird.

The information on which I have formed an undoubting conviction that this vessel is being fitted out for the so-called confederate government, and is intended to cruise against the commerce of the United States, has come to me from a variety of sources, and I have detailed it to you as far as practicable. I have given you the names of persons making the statements; but as the information in most cases is given to me by persons out of friendly feeling to the United States, and in strict confidence, I cannot state the names of my informants; but what I have stated is of such a character that little inquiry will confirm its truth.

Everything about the vessel shows her to be a war vessel; she has well-constructed magazines; she has a number of canisters, of a peculiar and expensive construction, for containing powder; she has platforms, already screwed to her decks, for the reception of swivel guns. Indeed, the fact that she is a war vessel is not denied by Messrs. Laird; but they say she is for the Spanish government. This they stated on the 3d of April last, when General Burgoyne visited their yard, and was shown over it and the various vessels being built there by Messrs. John Laird, jr., and Henry H. Laird, as was fully reported in the papers at the time.

Seeing the statement, and having been already informed from so many respectable sources that she was for the so-called confederate government, I at once wrote to the minister in London to ascertain from the Spanish embassy whether the statement was true. The reply was a positive assurance that she was not for the Spanish government. I am therefore authorized in saying that what was stated on that occasion, as well as statements since made that she is for the Spanish government, are untrue.

I am satisfied beyond a doubt that she is for a confederate war vessel.

If you desire any personal explanation or information, I shall be happy to attend you whenever you may request it.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

The statement in the above letter that the Florida was receiving armament at Nassau was erroneous. The Florida, as has been already shown, did not receive any armament at Nassau.

To this letter the collector replied as follows:[1]

The collector of customs, Liverpool, to the United States consul.

LIVERPOOL, *July* 10, 1862.

SIR: I beg to acknowledge the receipt of your communications of yesterday's date, (received this morning,) and acquaint you that I shall immediately submit the same for the consideration and direction of the board of customs, under whom I have the honor to serve. I may observe, however, that I am respectfully of opinion the statement made by you is not such as could be acted upon by the officers of this revenue, unless legally substantiated by evidence.

I have, &c.,
(Signed) S. PRICE EDWARDS.

A copy of Mr. Dudley's letter of the 9th July was on the 10th July transmitted by the collector to the commissioners of customs, together with the following report from the surveyor of customs:[2]

[86] * *Surveyor's report.*

SURVEYOR'S OFFICE, *July* 10, 1862.

SIR: I beg to report that, agreeably with your directions, I have this day inspected the steamer lying at the building-yard of the Messrs. Laird, at Birkenhead, and find that she is in the same state, as regards her armament, as on the date of my former report.

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[1] Appendix, vol. i, p. 183.

[2] Ibid., p. 185.

She has no guns or carriages on board, nor are her platforms fitted to the deck.

Very respectfully,
(Signed) E. MORGAN.

The papers transmitted by the collector as aforesaid were referred by the commissioners of customs to the solicitor to the customs, who is the official adviser of the department on matters of law; and he, on the 11th July, 1862, reported as follows:[1]

Report from the solicitor to the customs.

There is only one proper way of looking at this question. If the collector of customs were to detain the vessel in question, he would no doubt have to maintain the seizure by legal evidence in a court of law, and to pay damages and costs in case of failure. Upon carefully reading the statement I find the greater part, if not all, is hearsay and inadmissible, and as to a part the witnesses are not forthcoming or even to be named. It is perfectly clear to my mind that there is nothing in it amounting to *prima facie* proof sufficient to justify a seizure, much less to support it in a court of law, and the consul could not expect the collector to take upon himself such a risk in opposition to rules and principles by which the Crown is governed in matters of this nature.

(Signed) F. J. HAMEL.

JULY 11, 1862.

The commissioners of customs accordingly wrote to the collector as follows:[1]

The commissioners of customs to the collector at Liverpool.

CUSTOM-HOUSE, *London, July* 15, 1862.

SIR: Having considered your report of the 10th instant, inclosing a communication which you had received from Mr. T. H. Dudley, American consul at Liverpool, apprising you of certain circumstances relative to a vessel which he states is now being fitted out by Messrs. Laird, at Birkenhead, as a gun-boat for the so-called confederate government of the Southern States of America, and intended to be used as a privateer against the United States, and having communicated with our solicitor on the subject—

We acquaint you that there does not appear to be *prima facie* proof sufficient in the statement of the consul to justify the seizure of the vessel, and you are to apprise the consul accordingly.

We transmit, for your information, a copy of the report of our solicitor on the matter, dated the 11th instant.

(Signed) FREDERICK GOULBURN.
R. W. GREY.

Copies of the above papers were, on the 17th July, sent by the commissioners of customs to the treasury for the information of the lords commissioners of the treasury.

Up to this point the information which was in the possession of Her Majesty's government respecting the vessel consisted chiefly, and almost entirely, of hearsay statements, made by persons who could not be produced, as to alleged admissions by other persons who were represented to be either concerned in her equipment or identified in interest with the Confederate States, and whom, according to the rules of English legal procedure, Her Majesty's government could not compel to give similar admissions or evidence. It was, however, apparent that she was intended for war; and there was some (though very slight) evidence tending to connect her with persons who were believed or known to be partisans or agents of the government of the Confederate States. Mr. Dudley admitted, at the same time, that he could not give the names of his informants. The Captain Bullock mentioned above was, in fact, (as Her Majesty's government believes,) an officer and agent of the government of the Confederate States, but Her Majesty's government had at that time no means of proving him to be such.

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[1] Appendix, vol. i, p. 187.

On the 22d of July, 1862, the commissioners of customs received from the collector of Liverpool the following letter:[1]

[87] **The collector of customs, Liverpool, to the commissioners of customs.*

LIVERPOOL, *July* 21, 1862.

HONORABLE SIRS: The United States consul, accompanied by his solicitor, Mr. Squarey, has just been here with the witnesses whose affidavits are inclosed, requesting me to seize the gun-boat alluded to in your honors' order of the 15th instant, upon the evidence adduced to him that the gun-boat has been fitted out by Messrs. Laird, of Birkenhead, for the confederate government of the Southern States.

The only evidence of importance, as appears to me, is that of William Passmore, who had engaged himself as a sailor to serve in the vessel.

I shall be obliged by the board being pleased to instruct me by telegraph how I am to act, as the ship appears to be ready for sea, and may leave any hour she pleases.

Respectfully,
(Signed) S. PRICE EDWARDS.

P. S.—Nothing has been done to her since my first representation, nor has anything besides coals been placed in her.

S. P. E.

Inclosed in this letter were copies of six sworn depositions, which were as follows:

DEPOSITIONS.

1.

I, William Passmore, of Birkenhead, in the county of Chester, mariner, make oath, and say as follows:

1. I am a seaman, and have served as such on board Her Majesty's ship Terrible during the Crimean war.

2. Having been informed that hands were wanted for a fighting-vessel built by Messrs. Laird & Co., of Birkenhead, I applied on Saturday, which was, I believe, the 21st day of June last, to Captain Butcher, who, I was informed, was engaging men for the said vessel, for a berth on board her.

3. Captain Butcher asked me if I knew where the vessel was going, in reply to which I told him I did not rightly understand about it. He then told me the vessel was going out to the government of the Confederate States of America. I asked him if there would be any fighting, to which he replied, yes, they were going to fight for the southern government. I told him I had been used to fighting vessels, and showed him my papers. I asked him to make me signalman on board the vessel, and, in reply, he said that no articles would be signed until the vessel got outside, but he would make me signalman if they required one when they got outside.

4. The said Captain Butcher then engaged me as an able seaman on board the said vessel, at the wages of £4 10s. per month, and it was arranged that I should join the ship in Messrs. Laird & Co.'s yard on the following Monday. To enable me to get on board Captain Butcher gave me a password, the number "290."

5. On the following Monday, which was, I believe, the 23d of June last, I joined the said vessel in Messrs. Laird & Co.'s yard at Birkenhead, and I remained by her till Saturday last.

6. The said vessel is a screw-steamer of about 1,100 tons burden, as far as I can judge, and is built and fitted up as a fighting-ship in all respects; she has a magazine and shot and canister racks on deck, and is pierced for guns, the sockets for the bolts of which are laid down. The said vessel has a large quantity of stores and provisions on board, and she is now lying at the Victoria wharf in the great float at Birkenhead, where she has taken in about 300 tons of coal.

7. There are now about thirty hands on board her, who have been engaged to go out in her; most of these men are men who have previously served on board fighting-ships, and one of them is a man who served on board the confederate steamer Sumter. It is well known by the hands on board that the vessel is going out as a privateer for

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[1] Appendix, vol. i, p. 183.

the confederate government, to act against the United States, under a commission from Mr. Jefferson Davis. Three of the crew are, I believe, engineers; and there are also some firemen on board.

8. Captain Butcher and another gentleman have been on board the ship almost every day. It is reported on board the ship that Captain Butcher is to be the sailing-master, and that the other gentleman, whose name I believe is Bullock, is to be the fighting captain.

9. To the best of my information and belief, the above-mentioned vessel, which I have heard is to be called the Florida, is being equipped and fitted out in order that she may be employed in the service of the confederate government in America, to cruise and to commit hostilities against the Government and people of the United States of America.

(Signed) WILLIAM PASSMORE.

Sworn before me at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS, *Collector.*

2.

I, John de Costa, of No. 8 Waterloo Road, Liverpool, shipping-master, make oath and say as follows:

1. I know, and have for several months known, by sight, Captain Bullock, who is very generally known in Liverpool as an agent or commissioner of the Confederate States in America.

[88] *2. In the month of March last I saw the screw-steamer Annie Childs, which had run the blockade from Charleston, enter the river Mersey. She came up the Mersey with the confederate flag flying at her peak; and I saw the Oreto, a new gun-boat which had been recently built by Messrs. W. C. Miller & Sons, and which was then lying at anchor in the river off Egremont, dip her colors three times in acknowledgment of the Annie Childs, which vessel returned the compliment, and a boat was immediately afterward dispatched from the Annie Childs to the Oreto, with several persons on board, besides the men who were at the oars.

3. On the 22d day of March last I was on the north landing-stage between 7 and 8 o'clock in the morning; I saw the said Captain Bullock go on board a tender, which afterward took him off to the said gun-boat Oreto, which was then lying in the Sloyne. Just before he got on board the tender he shook hands with a gentleman who was with him, and said to him, "This day six weeks you will get a letter from me from Charleston," or words to that effect.

4. On the same day, between 11 and 12 o'clock, as well as I can remember, I saw the Oreto go to sea. She came well in on the Liverpool side of the river, and from the Princess Pier head, where I was standing, I distinctly saw the said Captain Bullock on board her, with a person who had been previously pointed out to me by a fireman who came to Liverpool in the Annie Childs as a Charleston pilot, who had come over in the Annie Childs with Captain Bullock to take the gun-boat out.

(Signed) JOHN DE COSTA.

Sworn before me at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS, *Collector.*

I, Allen Stanley Clare, of Liverpool, in the county of Lancaster, articled clerk, make oath and say as follows:

1. On the 21st day of July, now instant, I examined the book at the Birkenhead dockmaster's office, at Birkenhead, containing a list of all vessels which enter the Birkenhead docks; and I found in such book an entry of a vessel described as No. 290, and from the entries in the said book, in reference to such vessel, it appears that she is a screw steamer, and that her registered tonnage is 500 tons, and that Matthew J. Butcher is her master.

(Signed) ALLEN S. CLARE.

Sworn before me, at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS, *Collector.*

4.

We, Henry Wilding, of Liverpool, in the county of Lancaster, gentleman, and Matthew Maguire, of Liverpool, aforesaid, agent, make oath and say as follows:

1. I, the said Matthew Maguire, for myself, say that on the 15th day of July, now instant, I took Richard Brogan, whom I know to be an apprentice working in the shipbuilding yard of Messrs. Laird & Co., at Birkenhead, to the above-named deponent, Henry Wilding, at his residence at New Brighton.

2. And I, the said Henry Wilding, for myself, say as follows: I am the vice-consul of the United States of North America at Liverpool.

3. On the 15th day of July, now instant, I saw the said Richard Brogan and examined him in reference to a gun-boat which I had heard was being built by the said Messrs. Laird & Co. for the so-called confederate government, and the said Richard Brogan then informed me that the said vessel was built to carry four guns on each side and four swivel guns; that Captain Bullock had at one time, when the vessel was in progress, come to the yard almost every day to select the timber to be used for the vessel. That the said Captain Bullock was to be the captain of the said vessel; and that the said Captain Bullock had asked the said Richard Brogan to go as carpenter's mate in the said vessel for three years, which the said Richard Brogan had declined to do, because Mr. Laird, who was present at the time, would not guarantee his wages. That the said vessel was to carry 120 men, and that 30 able seamen were already engaged for her. That the petty officers for the said vessel were to be engaged for three years, and the seamen for five months. That the said vessel was then at the end of the new warehouses in the Birkenhead dock, and that it was understood she was to take her guns on board at Messrs. Laird & Co.'s shed, further up the dock; and that it was generally understood by the men in Messrs. Laird & Co.'s yard that the said vessel was being built for the confederate government.

4. The vessel above mentioned is the same which is now known as No. 290, and I verily believe that the said vessel is in fact intended to be used as a privateer or vessel of war, under a commission from the so-called confederate government, against the United States Government.

(Signed) H. WILDING.
MATTHEW MAGUIRE.

Sworn before me at the custon-house, Liverpool, this 21st day of July, 1862.
(Signed) S. PRICE EDWARDS, *Collector.*

5.

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, in the borough of Liverpool, in the county of Lancaster, esq., being one of the people called Quakers, affirm and say as follows:

[89] *I am the consul of the United States of North America for the port of Liverpool and its dependencies.

2. In the month of July, in the year 1861, information was sent by the United States Government to the United States consul at Liverpool, that a Mr. James D. Bullock, of Savannah, in the State of Georgia, who was formerly the master of an American steamer called the Cahawba, was reported to have left the United States for England, taking with him a credit for a large sum of money, to be employed in fitting out privateers, and also several commissions issued by the Southern Confederate States for such privateers, and in the month of August, in the year 1861, information was sent by the United States Government to the United States consulate at Liverpool that the said Captain Bullock was then residing near Liverpool and acting as the agent of the said Confederate States in Liverpool and London.

3. In accordance with instructions received from the Government of the United States, steps have been taken to obtain information as to the proceedings and movements of the said James D. Bullock, and I have ascertained the following circumstances, all of which I verily believe to be true, viz, that the said James D. Bullock is in constant communication with parties in Liverpool who are known to be connected with and acting for the parties who have assumed the government of the Confederate States. That the said James D. Bullock, after remaining for some time in England, left the country, and after an absence of several weeks, returned to Liverpool in the month of March last, from Charleston, in the State of South Carolina, one of the seceded States, in a screw-steamer then called the Annie Childs, which had broken the blockade of the port of Charleston then and now maintained by the United States Navy, and which vessel, the Annie Childs, carried the flag of the Confederate States as she came up the Mersey. That shortly after the arrival of the said James D. Bullock at Liverpool in the Annie Childs, as above mentioned, he again sailed from Liverpool in a new gun-boat called the Oreto, built at Liverpool, by Messrs. W. C. Miller & Sons, ship-builders, and completed in the early part of the present year, and which gun-boat, the Oreto, though she cleared from Liverpool for Palermo and Jamaica, in reality never went to those places, but proceeded to Nassau, New Providence, to take on board guns and arms with a view to her being used as a privateer or vessel of war under a commission from the so-called confederate government against the Government of the United States, and which said vessel, the Oreto, is stated to have been lately seized at Nassau by the commander of Her Majesty's ship Greyhound. That the said James D. Bullock has since returned again to Liverpool, and that before he left Liverpool, and since he returned, he has taken an active part in superintending the building, equipment, and fitting out of another steam gun-boat, known as No. 290, which has lately been launched by

Messrs. Laird & Co. of Birkenhead, and which is now lying, as I am informed and believe, ready for sea in the Birkenhead docks, with a large quantity of provisions and stores and thirty men on board. That the said James D. Bullock is going out in the said gun-boat No. 290, which is nominally commanded by one Matthew S. Butcher, who, I am informed, is well acquainted with the navigation of the American coast, having formerly been engaged in the coasting trade between New York, Charleston, and Nassau.

4. From the circumstances which have come to my knowledge I verily believe that the said gun-boat No. 290 is being equipped and fitted out as a privateer or vessel of war to serve under a commission to be issued by the government of the so-called Confederate States, and that the said vessel will be employed in the service of the said Confederate States to cruise and commit hostilities against the Government and people of the United States of North America.

(Signed) THOMAS H. DUDLEY.

Affirmed and taken before me at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS,
Collector.

6.

I, Matthew Maguire, of Liverpool, agent, make oath, and say as follows:

1. I know Captain J. D. Bullock, who is commonly reputed to be the agent or commissioner of the Confederate States of America at Liverpool.

2. I have seen the said J. D. Bullock several times at the yard of Messrs. Laird & Co. at Birkenhead, where a gun-boat known as No. 290 has lately been built, while the building of the said vessel has been going on.

3. On the 2d day of July now instant, I saw the said J. D. Bullock on board the said vessel in Messrs. Laird & Co.'s yard; he appeared to be giving orders to the workmen who were employed about such vessel.

(Signed) MATTHEW MAGUIRE.

Sworn before me at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS,
Collector.

The above depositions were referred, as soon as they were received, to the assistant solicitor and solicitor of customs, who on the same day reported as follows:[1]

[90] **Reports of the assistant solicitor and solicitor of customs, referred to in the preceding letter.*

In my opinion there is not sufficient evidence in this case to justify the detention of the vessel, under the 59th George III, c. 69. The only affidavit that professes to give anything like positive evidence is that of the seaman Passmore; but, assuming all he states to be true, what occurred between the reputed master (Butcher) and himself would not warrant a detention under section 6, nor support an information for the penalty under that section. Nor do I think, however probable it may seem that the vessel is fitted out for the military operations mentioned, that sufficient evidence has been adduced to entitle the applicants to the interference of the collector of customs at Liverpool. The only justifiable grounds of seizure under section 7 of the act would be the production of such evidence of the fact as would support an indictment for the misdemeanor under that section.

(Signed) J. O'DOWD.
CUSTOMS, *July* 22, 1862.

I entirely concur with Mr. O'Dowd in the opinion that there is not sufficient evidence to warrant the seizure or detention of the ship by the officers of customs. There appears to be some evidence of enlistment of individuals, and if that were sufficient to satisfy a court, they would be liable to pecuniary penalties, for security of which, if recovered, the customs might detain the ship until those penalties were satisfied, or good bail given; but there is not evidence enough of enlistment to call upon the customs to prosecute. The United States consul or any other person may do so at their own risk, if they see fit.

(Signed) F. J. HAMEL.
JULY 22, 1862.

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[1] Appendix, vol. i, p. 192.

In accordance with these reports the commissioners of customs, on the same 22d July, 1862, wrote to the collector as follows:[1]

The commissioners of customs to the collector of customs, Liverpool.

LONDON, *July* 22, 1862.

SIR: Having considered your report of the 21st instant, stating with reference to previous correspondence which has taken place on the subject of a gun-boat which is being fitted out by Messrs. Laird, of Birkenhead, that the United States consul, accompanied by his solicitor, has attended at the custom-house with certain witnesses, whose affidavits you have taken and have submitted for our consideration, and has requested that the vessel may be seized, under the provisions of the foreign-enlistment act, upon the ground that the evidence adduced affords proof that she is being fitted out for the government of the Confederate States of America—

We acquaint you that we have communicated with our solicitor on the subject, who has advised us that the evidence submitted is not sufficient to justify any steps being taken against the vessel under either the sixth or seventh sections of act 59 George III, c. 69, and you are to govern yourself accordingly.

The solicitor has, however, stated that if there should be sufficient evidence to satisfy a court of enlistment of individuals, they would be liable to pecuniary penalties, for security of which, if recovered, this department might detain the ship until those penalties are satisfied, or good bail given; but there is not sufficient evidence to require the customs to prosecute; it is, however, competent for the United States consul, or any other person to do so at their own risk, if they see fit.

(Signed) T. F. FREMANTLE.
G. C. L. BERKELEY.

On the same day, the papers were transmitted by order of the commissioners of customs to the treasury, with a covering letter, which was as follows:[2]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *July* 22, 1862.

SIR: With reference to the report of this board of the 1st instant, respecting a vessel fitting out at Liverpool, which it is stated is intended to be used as a privateer by the so-called Confederate States of America—

I am directed to state that the board have this day received a report from their collector at Liverpool, inclosing affidavits which have been made before him with a view to the detention of the vessel; and in transmitting to you, by desire of the board, the accompanying copy of the collector's report, with the affidavits referred to, I am to state that the board having communicated with their solicitor, are advised that the evidence is not sufficient to justify any steps being taken against the vessel under either the sixth or seventh section of the act 59 George III, c. 69, and they have apprised the collector at Liverpool accordingly, informing him at the same time that the solicitor has also stated that if there should be sufficient evidence to satisfy a court of the enlistment of individuals, they would be liable to pecuniary penalties, for security of which, if recovered, the customs might detain the ship until those penalties are satisfied, or good bail given; but that there is not evidence enough of enlistment to call upon the customs to prosecute, although the United States consul, or any other person, may do so at their own risk, if they see fit.

[91] *I am, however, to submit, should the lords commissioners of Her Majesty's treasury have any doubt upon the subject, whether it may not be advisable that the opinion of the law officers of the Crown should be taken.

I am, &c.,
(Signed) J. G. GARDNER.

The secretary to the treasury, on receiving the papers, sent them immediately to Mr. Layard, one of the under-secretaries of state for the foreign department, with an unofficial letter, which was as follows:[2]

Mr. Hamilton to Mr. Layard.

TREASURY, *July* 22, 1862.

MY DEAR MR. LAYARD: As the communication may be considered pressing, I send it to you unofficially to save time. Perhaps you will ascertain from Lord Russell whether it is his wish that we should take the opinion of the law-officers as to the case of this vessel. It is stated that she is nearly ready for sea.

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[1] Appendix, vol. i, p. 192.

[2] Ibid., p. 188.

Sincerely yours,
(Signed) GEO. A. HAMILTON.

The papers thus sent were received at the Foreign Office on the 23d July, 1862, and were, on the same day, referred to the law-officers of the Crown, with the following letter:[1]

Mr. Layard to the law-officers of the Crown.

[Immediate.] FOREIGN OFFICE, *July* 23, 1862.

GENTLEMEN: With reference to your report of the 30th ultimo, I am directed by Earl Russell to transmit to you the accompanying papers, which have been received by the board of treasury from the commissioners of customs, containing further information respecting the vessel alleged to be fitting out at Liverpool for the service of the so-called Confederate States; and I am to request that you will take the same into your consideration, and favor Lord Russell at your earliest convenience with your opinion thereupon.

The former papers on this subject are inclosed for reference if required.

I am, &c.,
(Signed) A. H. LAYARD.

It will have been seen from the above statement that the evidence laid by Mr. Dudley before the collector of customs at Liverpool on the 21st July was on the same day sent to London, on the following day (the 22d) referred to the official advisers of the customs department and reported on by them, and on the 23d referred to the law-officers of the Crown.

Of the six depositions one only (that of Passmore) contained any evidence which was at once material to the question and legally admissible. To rely on evidence of this kind proceeding from a single witness, without more corroboration or without inquiry into his antecedents, would, according to English judicial experience, have been very unsafe in a case of this nature. Of the contents of the five others the greater part was merely hearsay and not admissible as evidence; and they furnish grounds of suspicion, but not sufficient grounds for belief.

Copies of the depositions were also, on the 22d, sent by Mr. Adams to Earl Russell, with the following note:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 22, 1862.

MY LORD: I have the honor to transmit copies of six depositions taken at Liverpool, tending to establish the character and destination of the vessel to which I called your lordship's attention in my note of the 23d of June last.

The originals of these papers have already been submitted to the collector of the customs at that port, in accordance with the suggestions made in your lordship's note to me of the 4th of July, as the basis of an application to him to act under the powers conferred by the enlistment act. But I feel it to be my duty further to communicate the facts as there alleged to Her Majesty's government, and to request that such further proceedings may be had as may carry into full effect the determination which I doubt not it ever entertains to prevent, by all lawful means, the fitting out of hostile expeditions against the Government of a country with which it is at peace.

I avail, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[92] On the 23d July two additional depositions were sent by Mr. A. T. Squarey, of *Liverpool, a solicitor employed by Mr. Dudley, to the board of customs, with the following letter:[2]

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[1] Appendix, vol. i, p. 193.

[2] Ibid., p. 194.

Mr. Squarey to Mr. Gardner.

TAVISTOCK HOTEL, COVENT GARDEN,
London, July 23, 1862.

SIR: Referring to an application which I made on behalf of the United States Government, under the instructions of their consul at Liverpool, to the collector of customs at Liverpool on Monday last, for the detention, under the provisions of the act 59 George III, cap. 69, of a steam gun-boat built by Messrs. Laird & Co., at Birkenhead, and which there is no doubt is intended for the Confederate States, to be used as a vessel of war against the United States Government, I beg now to inclose two affidavits which reached me this morning from Liverpool; one made by Robert John Taylor, and the other by Edward Roberts, and which furnish additional proof of the character of the vessel in question.

I also inclose a case which has been submitted to Mr. Collier, Q. C., with his opinion thereon. I learnt this morning from Mr. O'Dowd that instructions were forwarded yesterday to the collector at Liverpool not to exercise the powers of the act in this instance, it being considered that the facts disclosed in the affidavits made before him were not sufficient to justify the collector in seizing the vessel. On behalf of the Government of the United States I now respectfully request that this matter, which I need not point out to you involves consequences of the gravest possible description, may be considered by the board of customs on the further evidence now adduced. The gun-boat now lies in the Birkenhead docks, ready for sea in all respects, with a crew of fifty men on board; she may sail at any time, and I trust that the urgency of the case will excuse the course I have adopted of sending these papers direct to the board instead of transmitting them through the collector at Liverpool, and the request which I now venture to make that the matter may receive immediate attention.

I have, &c.,
(Signed) A. T. SQUAREY.

The two additional depositions wore as follows:

DEPOSITIONS.

1.

I, Edward Roberts, of No. 6 Vere Street, Toxteth Park, in the county of Lancaster, ship-carpenter, make oath and say as follows:

1. I am a ship-carpenter, and have been at sea for about four years in that capacity.

2. About the beginning of June last I had been out of employ for about two months, and hearing that there was a vessel in Messrs. Laird & Co.'s yard fitting out to run the blockade, I applied to Mr. Barnett, shipping-master, to get me shipped on board the said vessel.

3. On Thursday, the 19th day of June last, I went to the said Mr. Barnett's office, No. 11 Hanover street, Liverpool, in the county of Lancaster, and was engaged for the said vessel as carpenter's mate. By the direction of the said Mr. Barnett I met Captain Butcher the same day on the George's landing-stage, and followed him to Messrs. Laird & Co.'s ship-building yard, and on board a vessel lying there. The said Captain Butcher spoke to the boatswain about me, and I received my orders from the said boatswain. At dinner-time the said day, as I left the yard, the gate-man asked me if I was "going to work on that gun-boat;" to which I replied, "Yes."

4. The said vessel is now lying in the Birkenhead float, and is known by the name No. 290. The said vessel has coal and stores on board. The said vessel is pierced for guns, I think four on a side, and a swivel gun. The said vessel is fitted with shot and canister racks, and has a magazine. There are about fifty men, all told, now on board the said vessel. It is generally understood on board of the said vessel that she is going to Nassau for the southern government.

5. I know Captain Bullock by sight, and have seen him on board of the said vessel five or six times; I have seen him go round the said vessel with Captain Butcher. I understood, both at Messrs. Laird & Co.'s yard and also on board the said vessel, that the said Captain Bullock was the owner of the said vessel.

6. I have been working on board the said vessel from the 19th day of June last up to the present time, with wages at the rate of £6 per month, payable weekly. I have signed no articles of agreement. The talk on board is that an agreement will be signed before sailing.

(Signed) EDWARD ROBERTS.

Sworn at Liverpool, in the county of Lancaster, this 22d day of July, 1862, before me
(Signed) WM. BROWN,
Justice of the Peace for Lancashire and Liverpool.

2.

I, Robert John Taylor, of Mobile, but at present remaining temporarily at Liverpool, mariner, make oath and say as follows:

1. I am a native of London, and 41 years of age. From fourteen years upward I have followed the sea. During the last fifteen years I have been living in the Confederate States of America, [93] *principally at Savannah and Mobile, and since the secession movement I have been engaged in running the blockade. I have run the blockade six times and been captured once.

2. The vessels in which I have been engaged in running the blockade have sailed from Mobile, and have gone to Havana and New Orleans. I am well acquainted with the whole of the coast of the Confederate States, as I have been principally engaged since 1847 in trading to and from the Gulf ports.

3. I came to England after my release from Fort Warren, on the 29th of May ast. I came here with the intention of going to the Southern States, as I could not get there from Boston.

4. Mr. Rickarby, of Liverpool, a brother of the owner, at Mobile, of the vessel in which I was captured when attempting to run the blockade, gave me instructions to go to Captain Butcher at Laird's yard, Birkenhead. I had previously called on Mr. Rickarby, and told him that I wanted to go South, as the Northerners had robbed me of my clothes when I was captured, and I wanted to have satisfaction.

5. I first saw Captain Butcher at one of Mr. Laird's offices last Thursday fortnight, (namely, the 3d of July last.) I told him that I had been sent by Mr. Rickarby, and asked him if he were the captain of the vessel which was lying in the dock. I told him that I was one of the men that had been captured in one of Mr. Rickarby's vessels, and that I wanted to get South in order to have retaliation of the Northerners for robbing me of my clothes. He said that if I went with him in his vessel I should very shortly have that opportunity.

6. Captain Butcher asked me at the interview if I was well acquainted with the Gulf ports, and I told him I was. I asked him what port he was going to, and he replied that he could not tell me then, but that there would be an agreement made before we left for sea. I inquired as to the rate of wages, and I was to get £4 10*s.* per month, payable weekly.

7. I then inquired if I might consider myself engaged, and he replied, yes, and that I might go on board the next day, which I accordingly did; and I have been working on board up to last Saturday night.

8. I was at the siege of Acre in 1840, in Her Majesty's frigate Pique, Captain Edward Boxer, and served on board for nine months. Captain Butcher's ship is pierced for eight broadside guns and four swivels or long-toms. Her magazine is complete, and she is fitted up in all respects as a man-of-war, without her ammunition. She is now chock-full of coals, and has, in addition to those in the hold, some thirty tons on deck.

9. One day, whilst engaged in heaving up some of the machinery, we were singing a song, as seamen generally do, when the boatswain told us to stop that, as the ship was not a merchant-ship but a man-of-war.

(Signed) ROBERT JOHN TAYLOR.

Sworn at Liverpool, in the county of Lancaster, this 22d day of July, 1862, before me.

(Signed) W. J. LAMPORT,
Justice of the Peace for Liverpool.

The case and opinion which, together with the additional depositions, were mentioned and inclosed in Mr. Squarey's letter, were as folows:[1]

Case submitted to Mr. Collier, Q. C., and his opinion thereon.

You will receive, herewith, copies of the following affidavits in reference to a gunboat known as No. 290, which was built by Messrs. Laird & Co. at Birkenhead, as it is believed, for the Confederate States of America, and which is now lying ready for sea in all respects in the Birkenhead docks: No. 1. Affirmation of T. H. Dudley; No. 2. Affidavit of J. de Costa; No. 3. Affidavit of Mr. Maguire; No. 4. Affidavit of H. Wilding and M. Maguire; No. 5. Affidavit of A. S. Clare; No. 6. Affidavit of William Passmore; No. 7. Affidavit of Edward Roberts; No. 8. Affidavit of Robert John Taylor. An application has been made, on the affidavits Nos. 1 to 6 inclusive, to the collector of customs at Liverpool, to detain the vessel under the provisions of the act 59 Geo. III, cap. 69; but, under the advice of the solicitors to the customs, the board have declined to sanction the detention of the vessel.

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[1] Appendix, vol. i, p. 196.

You are requested to advise the consul for the United States at Liverpool whether the affidavits now submitted to you would disclose facts which would justify the collector of customs in detaining the vessel under the act in question.
JULY 23, 1862.

Opinion.

I have perused the above affidavits, and I am of opinion that the collector of customs would be justified in detaining the vessel. Indeed, I should think it his duty to detain her; and that if, after the application which has been made to him, supported by the evidence which has been laid before me, he allows the vessel to leave Liverpool, he will incur a heavy responsibility, a responsibility of which the board of customs, under whose directions he appears to be acting, must take their share.

It appears difficult to make out a stronger case of infringement of the foreign-enlistment act, which, if not enforced on this occasion, is little better than a dead letter.

It well deserves consideration whether, if the vessel be allowed to escape, the Federal Government would not have serious grounds of remonstrance.

(Signed) R. P. COLLIER.
TEMPLE, *July* 23, 1862.

[94] *The case and opinion, together with the additional depositions, were referred to the assistant solicitor of customs, who on the same day reported as follows:[1]

I have read the additional evidence, and I do not think that it materially strengthens the case of the applicants. As regards the opinion of Mr. Collier, I cannot concur in his views; but, adverting to the high character which he bears in his profession, I submit that the board might act judiciously in recommending the lords of the treasury to take the opinion of the law officers of the Crown.

(Signed) J. O'DOWD.
JULY 23, 1862.

Mr. Squarey's letter, with the additional depositions and the case and opinion, were on the same 23d July sent by the board of customs to the treasury with a suggestion that the opinion of the law officers of the Crown should be taken on the matter. As soon as received at the treasury they were sent unofficially to Mr. Layard, who was at the time in the House of Commons. Mr. Layard, after communicating with Earl Russell, sent them at once, by his (Earl Russell's) instructions, to the law-officers of the Crown, with the following letter:[1]

Mr. Layard to the law-officers of the Crown.

FOREIGN OFFICE, *July* 23, 1862.

GENTLEMEN: With reference to my letter of this morning, sending to you papers respecting the vessel stated to be preparing for sea at Birkenhead for the service of the government of the so-styled Confederate States of North America, I am directed by Earl Russell to transmit to you a further letter from the commissioners of customs, inclosing additional papers respecting this vessel; and I am to request that you will take these papers into your consideration, and favor Lord Russell at your earliest convenience with your opinion as to the steps which ought to be taken by Her Majesty's government in the matter.

I am, &c.,
(Signed) A. H. LAYARD.

Copies of the papers sent by Mr. Squarey were on the 26th July received by Earl Russell from Mr. Adams, together with the following letter:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 24, 1862.

MY LORD: In order that I may complete the evidence in the case of the vessel now fitting out at Liverpool, I have the honor to submit to your lordship's consideration the copies of two more depositions taken respecting that subject.

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[1] Appendix, vol. i, p. 197.

In the view which I have taken of this extraordinary proceeding as a violation of the enlistment act, I am happy to find myself sustained by the opinion of an eminent lawyer of Great Britain, a copy of which I do myself the honor likewise to transmit.

Renewing, &c.,

(Signed) CHARLES FRANCIS ADAMS.

On the 25th July a further deposition was received by the board of customs from Mr. Squarey, referred to the assistant solicitor of customs, and transmitted to the treasury; from whence on Saturday, the 26th of July, it was sent to the Foreign Office, and was on the same day referred to the law-officers of the Crown, with a request that they would take it into consideration together with the other papers then before them relating to the same subject.

This further deposition was as follows:[1]

Affidavit of Henry Redden.

I, Henry Redden, of Hook street, Liverpool, in the county of Lancaster, seaman, make oath and say as follows:

1. I am a seaman, and have followed the sea for fifteen years. I have been boatswain on board both steamers and sailing-vessels, and belong to the naval reserve.

2. About six weeks ago I was engaged by Captain Butcher (with whom I have previously sailed) as boatswain on board a vessel then in Messrs. Laird & Co.'s shipbuilding yard, but now lying in the Birkenhead float, and known by the name No. 290. The said Captain Butcher offered me £10 per month, and said an agreement should be signed when we got outside. He told me that we should have plenty of money when we got home, as we were going to the Southern States on a speculation to try and get some.

[95] *3. The crew now on board the said vessel consists of about forty men, but I believe that she will take to sea about one hundred men, all told. It is generally understood on board that she will clear for Nassau, but not make that port. The said vessel has all her stores and coals on board ready for sea. She is fitted in all respects as a man-of-war, to carry six broadside-guns and four pivots, but has no guns or ammunition on board as yet. The rules on board are similar to those in use on a man-of-war, and the men are not allowed to sing as they do on a merchantman. The call is used on board. The said vessel is of about 1,100 tons burden.

4. I know Captain Bullock. He has been superintending the building of the said vessel in Messrs. Laird & Co.'s yard, and is, I believe, to take charge of the vessel when we get outside.

It is generally understood on board the said vessel that she belongs to the confederate government.

(Signed) HENRY REDDEN.

Sworn this 24th day of July, 1862, before me.

(Signed) JOHN STEWART,
A Justice of the Peace for the County of Lancaster.

On this deposition the assistant solicitor of customs had, on the 25th July, reported as follows:[1]

I submit a reference to my former reports, to the opinions expressed in which I feel still bound to adhere. So far from giving additional force to the application, the affidavit of Henry Redden appears to me to weaken it, as, after the lapse of several days since the date of the former affidavits, the applicants are confessedly unable to make out a better justification for detaining the vessel. It is, no doubt, difficult to procure satisfactory evidence in such a case; but, in the absence of at least a clear *prima facie* case, there cannot exist those grounds for detaining the vessel which the foreign enlistment act contemplates.

(Signed) J. O'DOWD.

CUSTOMS, *July* 25, 1862.

From the above statement it will have been seen that the additional papers sent Mr. Squarey on the 23d were on the same day referred by the board of customs to their official adviser and reported on by him, and were also on the same day transmitted by the board, through the treasury, to the foreign office and thence referred to the law-officers of the Crown.

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[1] Appendix, vol. i, p. 198.

It will have been seen, also, that the further deposition received on the 25th was on that day reported on by the official adviser of the board of customs, and was on the following day referred to the law-officers of the Crown.

On Tuesday, the 29th July, the law-officers of the Crown reported as follows on the papers which had been successively referred to them:[1]

The law-officers of the Crown to Earl Russell.

TEMPLE, *July* 29, 1862.

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 23d July instant, stating that, with reference to our report of the 30th ultimo, he was directed by your lordship to transmit to us the accompanying papers, which had been received by the board of treasury from the commissioners of customs, containing further information respecting the vessel alleged to be fitting out at Liverpool for the service of the so-called confederate States, and to request that we would take the same into our consideration, and favor your lordship at our earliest convenience with our opinion thereupon.

The former papers on this subject were inclosed for reference if required.

We are also honored with your lordship's commands signified in Mr. Layard's letter of the 23d July instant, stating that, with reference to his letter of that date, sending to us papers respecting the vessel stated to be preparing for sea at Birkenhead, for the service of the government of the so-styled confederate States of North America, he was directed by your lordship to transmit to us a further letter from the commissioners of customs, inclosing additional papers respecting this vessel, and to request that we would take these papers into our consideration, and favor your lordship at our earliest convenience with our opinion as to the steps which ought to be taken by Her Majesty's government in the matter.

We are further honored with your lordship's commands signified in Mr. Layard's letter of the 26th July instant, stating that he was directed by your lordship to transmit to us the accompanying letter from the board of treasury, dated July 26, which your lordship had received that morning, containing further information respecting the vessel stated to be fitting out at Liverpool for the service of the so-styled Confederate States, and to request that we would take the same into our consideration, together with the other papers on the same subject, which were then before us.

[96] *In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That, in our opinion, the evidence of the witnesses who have made depositions, (we allude particularly to William Passmore, Edward Roberts, Robert John Taylor, and Henry Redden,) coupled with the character and structure of the vessel, makes it reasonably clear that such vessel is intended for warlike use, against citizens of the United States, and in the interest of the (so-called) Confederate States. It is not, and cannot be, denied that the vessel is constructed and adapted as a vessel of war, being pierced for guns, the sockets for the bolts for which, Passmore states, are already laid down, and having a magazine, and shot and canister racks on the deck, and a certain number of canisters being actually on board. It is also stated in the report of the commissioners of customs of July 1, that Messrs. Laird, the builders, do not deny that the vessel has been built for some "foreign government," although they maintain apparently a strict reserve as to her actual destination, and as to the "foreign government" in particular, for whose service she is intended. We do not overlook the facts that neither guns nor ammunition have as yet been shipped; that the cargo (though of the nature of naval stores in connection with war-steamers) may yet be classed as a mercantile cargo; and that the crew do not appear to have been, in terms and form at least, recruited or enrolled as a military crew. It is to be expected that great stress will be laid upon these circumstances by the owners and others who may oppose the condemnation of the vessel if seized by the officers of the customs; and an argument may be raised as to the proper construction of the words which occur in the 7th section of the foreign enlistment act, "Equip, furnish, fit out, or arm," which words, it may be suggested, point only to the rendering a vessel, whatever may be the character of its structure, presently fit to engage in hostilities. We think, however, that such a narrow construction ought not to be adopted, and, if allowed, would fritter away the act, and give impunity to open and flagrant violations of its provisions. We, therefore, recommend that, without loss of time, the vessel be seized by the proper authorities, after which an opportunity will be afforded to those interested, previous to condemnation, to alter the facts, if it may be, and to show an innocent destination of the ship.

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[1] Appendix, vol. i, p. 200.

In the absence of any such countervailing case, it appears to us that the vessel, cargo, and stores may be properly condemned.

We have, &c.,

(Signed) WM. ATHERTON.
ROUNDELL PALMER.

On the same 29th July the board of customs received from Mr. Dudley's solicitors a communication, dated the 28th, to the effect that they had every reason to believe that the vessel would sail on the 29th.[1] And soon afterward the board received from the same firm a telegraphic message stating that she had come out of dock the night before (the 28th) and had left the port that morning, (the 29th.)

On the 30th July the board of customs received from Mr. Dudley's solicitors the following letter, which was transmitted, through the treasury, to the Foreign Office:[2]

Messrs. Duncan, Squarey and Mackinnon to Mr. Gardner.

10 WATER STREET, LIVERPOOL, *July* 29, 1862.

SIR: We telegraphed you this morning that the above-named vessel was leaving Liverpool; she came out of dock last night and steamed down the river between 10 and 11 a. m.

We have reason to believe that she is gone to Queenstown.

Yours, obediently,

(Signed) DUNCAN, SQUAREY AND MACKINNON.

On the 31st July orders were sent by the commissioners of customs to the collectors of customs at Liverpool and Cork, that the vessel should be seized if she should be within either of those ports. On the morning of the 1st August similar orders were sent to the collectors at Beaumaris and Holyhead.[3] Instructions were likewise sent to the governor of the Bahamas, that, if she should put in at Nassau, she should be detained.[2]

On the 30th July, the day after the departure of the vessel, Mr. Dudley wrote as follows to the collector of customs at Liverpool:[4]

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, July 30, 1862.

SIR: Referring to my previous communication to you on the subject of the gun-boat No. 290, fitted out by Messrs. Laird, of Birkenhead, I beg to inform you that she left the Birkenhead dock on Monday night; and yesterday morning left the river accompanied by the steam-tug Hercules.

The Hercules returned last evening, and her master states that the gun-boat was cruising off Point Lynas; that she had six guns on board concealed below, and was taking powder from another vessel.

The Hercules is now alongside the Woodside landing-stage, taking on board men, (forty or fifty,) beams, evidently for gun-carriages, and other things, to convey down to the gun-boat. A quantity of cutlasses were taken on board on Friday last.

[97] *These circumstances all go to confirm the representations heretofore made to you about this vessel, in the face of which I cannot but regret she has been permitted to leave the port; and I report them to you that you may take such steps as you may deem necessary to prevent this flagrant violation of neutrality.

Respectfully,

(Signed) THOMAS H. DUDLEY, *Consul.*

The surveyor of customs, by direction of the collector, immediately went on board of the Hercules, and reported as follows:[3]

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[1] Appendix, vol. i, p. 200.
[2] Ibid., p. 203.
[3] Ibid., p. 205.
[4] Ibid., p. 204.

Mr. Morgan to Mr. Edwards.

SURVEYOR'S OFFICE, *July* 30, 1862.

SIR: Referring to the steamer built by the Messrs. Laird, which is suspected to be a gun-boat intended for some foreign government, I beg to state that, since the date of my last report concerning her, she has been lying in the Birkenhead docks, fitting for sea, and receiving on board coals and provisions for her crew.

She left the dock on the evening of the 28th instant, anchored for the night in the Mersey, abreast the Canning dock, and proceeded out of the river on the following morning, ostensibly on a trial-trip, from which she has not returned.

I visited the tug Hercules this morning as she lay at the landing-stage at Woodside, and strictly examined her holds and other parts of the vessel. She had nothing of a suspicious character on board, no guns, no ammunition, or anything appertaining thereto. A considerable number of persons, male and female, were on deck, some of whom admitted to me that they were a portion of the crew, and were going to join the gun-boat.

I have only to add that your directions to keep a strict watch on the said vessel have been carried out; and I write in the fullest confidence that she left this port without any part of her armament on board. She has not as much as a single gun or musket.

It is said that she cruised off Port Lynas last night, which, as you are aware, is some fifty miles from this port.

Very respectfully,
(Signed) E. MORGAN, *Surveyor.*

Mr. Dudley's letter and the surveyor's report were transmitted to the board of customs. Immediately on the receipt of them the following telegraphic message was sent to the collector:[1]

JULY 31, 1862—11.35 a. m.

Examine master of Hercules, whether he can state that guns are concealed in vessel 290, and that powder has been taken on board.

This order was executed, and the collector replied as follows:[2]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 1, 1862.

HONORABLE SIRS: The master of the Hercules has attended here this morning, and I beg to inclose his examination taken on oath, whereby it will be seen that the statement in the letter of the American consul, forwarded with my report of the 30th ultimo, is not borne out. The board will see that the vessel has left the port. Should opportunity, however, offer, she shall be seized in accordance with the directions of the board, as contained in the telegram of yesterday's date.

(Signed) S. PRICE EDWARDS.

The examination of Thomas Miller, taken on oath by the collector.

I am the master of the steam-tug Hercules. I accompanied the new gun-boat built by Mr. Laird (No. 290, I believe she is distinguished by) to sea on Tuesday last. I kept in sight of her, in case the services of the steam-tug should be required, until she lay to, about a mile off the bell buoy, and about 14 miles from the Canning dock. The vessel left her anchorage about 10 a. m., and I left her between 4 and 5 p. m. I saw nothing on board the ship but coals. I returned from the vessel in the evening, and got into the river about 7 p. m.; there were some of Mr. Laird's workmen and riggers on board; all of these, I believe, I brought back. The next day, Wednesday, I left the landing-stage in the river, and took with me from twenty-five to thirty men, who, I believe, were to be employed on board as part of the crew; they appeared to be all sailors or firemen. I found the vessel about 3 o'clock that afternoon in Beaumaris Bay. I put the men on board, and lay alongside till midnight. We were from three to four miles from the shore; it was a fine day. Besides the men, I put on board an anchor-stock, a piece of wood about 15 feet long, and two pieces of brass belonging to the machinery. I neither carried guns, powder, or ammunition of any kind to her, [98] nor did I see anything of this description on board, *nor yet being put on board. There was no vessel of any description came near the vessel while I was by her. I have never seen the American consul to my knowledge. I never told him or any one else that they were taking powder on board the new vessel. I never was told what she was for, or what was her destination. The piece of wood which I have mentioned was not in any way fit for a gun-carriage. I thought it was intended to rest the ship's boat upon; it was planed and cut out for some purpose, if not to rest the boat upon.

(Signed) THOMAS MILLER.

Sworn at the custom-house, Liverpool, August 1, 1862.

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[1] Appendix, vol. i, p. 205.

[2] Ibid., p. 206.

The subjoined letters received by the board of customs from their officers at Beaumaris, Holyhead, and Cork show what was done by those officers in obedience to the orders of the board:[1]

Mr. Cunnah to the secretary to the customs, London.

CUSTOM-HOUSE, *Holyhead, August* 1, 1862.

SIR: Your telegram respecting the iron steam-vessel 290 is duly to hand.

The vessel is not, at present, within the limits of this creek. I have arranged that constant watch shall be kept, so that immediately upon her entering either of the harbors or the roadstead she will be seized; and I am now leaving (to go along the coast) to Point Lynas and Amlwch to make further inquiries.

I beg also to state that I have forwarded a copy of the message to the collector of customs, Beaumaris, and the principal coast officer at Amlwch.

I have, &c.,
(Signed) E. B. CUNNAH,
Principal Coast Officer.

Mr. Smith to Mr. Gardner.

CUSTOM-HOUSE, *Beaumaris, August* 2, 1862.

SIR: On receipt of your telegram on the 1st instant, directing me to seize the steamship 290, reported to be off Point Lynas, I immediately proceeded to Amlwch and instituted inquiries, but could get but little satisfactory information. I heard that there had been a suspicious screw-bark in Moelfra Roads on Wednesday last; that the shore-boats would not be allowed alongside. I called on Mr. Pierce, chief officer of the coast-guard, and consulted with him; I requested that he should order his boat, with four hands armed, to be at Point Lynas by 5 o'clock the next morning to meet us; I took a car at Amlwch, accompanied by Mr. Pierce and my principal coast officer, and proceeded to Point Lynas light-house, and made every inquiry of the keeper. I then proceeded to the telegraph station, and on inquiry there found that the suspected vessel had not been seen by either party since Wednesday evening, when she was riding in Moelfra Roads. We then got into the coast-guard boat and proceeded to Moelfra, and found that a large black screw-bark, or three-masted topsail-yard screw-steamer, with black funnel, and no name or port on her, had arrived at Moelfra Roads at 7.30 p. m. on Tuesday evening last, and came to anchor; that a fishing-boat was going alongside, and asked if they wanted any fish; the answer from the steamer was, "No; keep off." On Wednesday they appeared to be washing the decks and cleaning her, and about 5 p. m. a tug-boat, supposed to belong to the Old Tug Company of Liverpool, went alongside with what was supposed to be an excursion party, the passengers going on board the screw-steamer; there was music on board. The tug-boat remained alongside until about 10 o'clock p. m. the same evening, when she left; the shore people could not say whether she took the party she brought back again, because it was too dark. At 3 o'clock a. m. the following morning, viz, Thursday, the screw-steamer got under weigh and proceeded to sea, and has not since been seen by any parties on the shore along the whole part of that coast.

They held no communication whatever with the shore during her stay in Moelfra Roads.

I am, &c.,
(Signed) W. H. SMITH, *Collector.*

Mr. Cassell to the secretary to the customs.

Gun-boat 290, the subject of telegram from the secretary of customs, 31st ultimo, and board's order, 89/1862.

CUSTOM-HOUSE, *Cork, August* 4, 1862.

SIR: Immediately on the receipt of your telegraphic message steps were taken for the detention of the above-mentioned vessel, should she put into this port; but, up to the close of this letter, 4 p. m., she has not made her appearance.

I am, &c.,
(Signed) F. CASSELL, *Collector.*

The vessel in fact sailed from the port of Liverpool on Tuesday, the 29th July, between 10 and 11 a. m. She sailed ostensibly with the intention of making a trial-trip and returning to her moorings; and,

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[1] Appendix, vol. i, pp. 207, 208.

[99] in order to give an appearance of truth to this *pretense, a number of persons were taken on board, who, after accompanying her for a short distance, returned to Liverpool in a tug-boat. She had not been registered as a British ship, nor had she been cleared at the custom-house for an outward voyage. She took her departure before the report of the law-officers had been received at the Foreign Office, and therefore before any orders for her detention had been given. Whither she was bound, or in what direction she was likely to shape her course, was unknown to the officers of the government, as it was to Mr. Adams, Mr. Dudley, and their informants and advisers. From Mr. Dudley's communications with his own government, it appears that on the 30th July he thought she would probably go to Nassau; afterward he gave some credence to a rumor that she was bound for a Spanish port, and subsequently believed that she would try to reach some port in the Confederate States. Her Majesty's government was equally without means of knowledge. It will have been seen, however, that orders to detain her were sent by the government, not only to Liverpool, whither it was still possible that she might return, but to other ports, which (or the roadsteads adjacent to which) she might probably enter before proceeding to sea. She did in fact enter a roadstead on the coast of North Wales, which lies at a considerable distance from both Beaumaris and Holyhead, but had quitted it before the officers of customs authorized to detain her could arrive on the spot.

It will have been seen also that when she quitted Liverpool, and up to the time of her final departure from British waters, she was entirely unarmed, and had on board no guns, gun-carriages, or ammunition. As to the persons who composed her crew, and the terms on which they were hired, and as to any other persons who may have gone to sea on board of her, Her Majesty's government had not, through its officers at Liverpool or otherwise, any means of information. It appears, however, from depositions which have been subsequently communicated to Her Majesty's government by Mr. Adams, and Her Majesty's government believes it to be true, that the crew, after the ship had left Liverpool, signed articles for Nassau or some intermediate port; that persuasion was afterward used, while the ship was at sea, but still under the British flag, to enlist in the naval service of the Confederate States, and that such of them as were induced to do so signed fresh articles after the arrival of the vessel at the Azores.

Mr. Adams had, in the month of June, 1862, requested Captain Craven, commanding the United States war-steamer Tuscarora, to bring his ship from Gibraltar to Southampton, in order to wait for and capture the vessel should she put to sea. The Tuscarora came to Southampton accordingly in the beginning of July, and, on the 17th July, Mr. Adams wrote to Mr. Seward, "I have supplied to Captain Craven all the information I can obtain respecting the objects and destination of this vessel, and have advised him to take such measures as may, in his opinion, be effective to intercept her on her voyage out. He will probably leave Southampton in a day or two."

The Tuscarora, however, lay at Southampton until the evening of the 29th July, when her commander, after receiving two telegraphic messages from Mr. Adams informing him that the vessel had sailed, and urging him to put to sea immediately, took his departure for Queenstown. An account of the failure of the Tuscarora to intercept the vessel is given in the subjoined dispatch addressed by Mr. Adams to Mr. Seward:[1]

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[1] Appendix, vol. i, p. 251.

Mr. Adams to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, August 7, 1862.

SIR: In my dispatch of the 30th July I brought down the narrative of the proceedings in the case of the gun-boat No. 290, to the morning of the 29th. Later in the day I sent another telegram to Captain Craven, giving further intelligence from Liverpool, urging his departure from Southampton; also, that he should let me know his next movements, and cautioning him about the line of British jurisdiction. To this message the captain immediately replied, announcing his departure at 8 o'clock, and his intention to touch at Queenstown for further information. On the 30th of July I wrote to Captain Craven, by mail to Queenstown, giving fuller details, received at half-past 11 o'clock from Mr. Dudley, touching the movements of the gun-boat off Point Lynas on that day. Early on the morning of the 31st I sent a telegram to Captain Craven, at Queenstown, apprising him that No. 290 was said to be still off Point Lynas. At about 10 o'clock p. m. of that evening I received a telegram from Captain Craven, dated at Queenstown, announcing his reception of my dispatch, and his intention to await further instructions. This was answered by me early the next morning in the following words, by telegram:

"At latest, yesterday, she was off Point Lynas; you must catch her if you can, and, if necessary, follow her across the Atlantic."

On the same day I received by mail a note from Captain Craven, dated the 31st, announcing the receipt of my dispatches, and his decision to go to Point Lynas at noon on the 1st instant.

[100] *Captain Craven seems to have sailed up Saint George's Channel. This last movement must have been made in forgetfulness of my caution about British jurisdiction, for, even had he found No. 290 in that region, I had in previous conversations with him explained the reasons why I should not consider it good policy to attempt her capture near the coast. In point of fact, this proceeding put an end to every chance of his success.

On the 5th instant I received a letter from him dated the 4th, at Queenstown, inclosing a report of his doings, addressed to the Secretary of the Navy, left open for my inspection, which I forward by this steamer, and at the same time apprising me of his intention to go round to Dublin, and await a letter from me prior to his return to his station at Gibraltar. To this I sent the following reply:

"LEGATION OF THE UNITED STATES,
"*London, August* 6, 1862.

"I will forward your letter to the Secretary of the Navy. Having in my hands sufficient evidence to justify the step, I was willing to assume the responsibility of advising you to follow the boat No. 290, and take her wherever you could find her. But I cannot do the same with other vessels, of which I have knowledge only from general report. I therefore think it best that you should resume your duties under the general instructions you have from the Department, without further reference to me."

It may have been of use to the Tuscarora to have obtained repairs at Southampton to put her in seaworthy condition. But had I imagined that the captain did not intend to try the sea, I should not have taken the responsibility of calling him from his station. I can only say that I shall not attempt anything of the kind again.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Captain Craven's failure to intercept the vessel appears to have been regarded by Mr. Adams as evincing remissness and dilatoriness on the part of the former, and a want of the promptitude and judgment which ought to have been used under the circumstances of the case. It is probable, indeed, that he would have succeeded in intercepting her if he had used the needful activity and dispatch.

For some weeks after the sailing of the vessel (which, up to the time of her departure, had continued to be known only as "The 290," from the number which she bore in the builders' yard) nothing more was heard of her. On the 1st September, 1862, a steamship named the Bahama, which, on the 13th September, had cleared from Liverpool for Nassau, returned to the port and was entered as in ballast from Angra, in the Azores. On the 3d September, 1863, the assistant collector of customs at Liverpool sent to the board of customs, with reference to this ship, the subjoined letter and inclosures:[1]

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[1] Appendix, vol. i, p. 208.

Mr. Stuart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, September* 3, 1862.

HONORABLE SIRS: With reference to the collector's report of the 1st ultimo, I beg to transmit, for the information of the board, the annexed reports from the surveyor and assistant surveyor, detailing some information they have obtained respecting the gun-boat No. 290. I also inclose a specification of the cargo taken out by the Bahama, and which there appears no reason to doubt was transferred to the gun-boat.

Respectfully,
(Signed) W. G. STUART,
Assistant Collector.

[Inclosure 1.]

Mr. Hussey to Mr. Stuart.

LIVERPOOL, *Nelson Dock, September* 2, 1872.

SIR: I beg to state that a steamship called the Bahama arrived here last evening from Angra, (the capital of the island of Terceira, one of the Azores,) having previously cleared from Liverpool for Nassau.

In consequence of a paragraph which appeared in the newspaper of this morning in reference to the above vessel, I deemed it expedient to send for the master, Tessier, and to inquire the nature of the cargo shipped on board in Liverpool. He states that he received sixteen cases, the contents of which he did not know, but presumed they were arms, &c., and, after proceeding to the above port, transferred the sixteen cases to a Spanish vessel, and returned to Liverpool with a quantity of coals.

The master also states that, when off the Western Islands, he spoke the confederate gun-boat Alabama, (No. 290, built in Mr. Laird's yard at Birkenhead,) heavily armed, having a 100-pounder pivot-gun mounted at her stern, which he believes is intended to destroy some of the sea-port towns in the Northern States of America.

The above case having excited much interest in the port, I deemed it expedient to report the facts for your information.

Respectfully,
(Signed) J. HUSSEY,
Assistant Surveyor.

[101] *[Inclosure 2.]

Specification of shipment per Bahama, August 11, 1862.

			Cwts.	qrs.	lbs.
[B] O P	1.—1 case containing 1 cast-iron gun	weighing	49	1	14
	2.—1 case containing 1 broadside carriage	weighing	12	0	14
	3.—1 case containing rammers, sponges, handspikes, &c	weighing	2	1	14
[B] O P_2	1.—1 case containing 1 cast-iron gun	weighing	49	1	14
	2.—1 case containing 1 broadside carriage	weighing	12	0	14
	3.—1 case containing rammers, sponges, handspikes, &c	weighing	2	0	10
[B] O P SOL	1 to 6.—6 cases containing 50 cast shot	weighing	13	1	20
[B] B SOL	1 to 6.—6 cases containing 50 cast shot	weighing	17	2	6
[B] B	1.—1 case containing brass vent-covers	weighing	0	0	5
	Total weight		158	1	27

Total value, £220.

[Inclosure 3.]

Mr. Morgan to Mr. Stewart.

SURVEYOR'S OFFICE, *September* 3, 1862.

SIR: I beg to report, for your information, that the British steamship Bahama, Tessier master, which vessel cleared out for Nassau, and sailed on the 13th ultimo with nineteen cases, contents as per specification annexed, has returned to this port, and entered inwards in ballast from Angra.

The master of her is not disposed to enter very freely into conversation upon the subject, but from others on board there appears to be no doubt that the cases above referred to were transferred to the gun-boat No. 290.

Captain Semmes, formerly of the confederate steamer Sumter, took passage in the Bahama, together with some fifty other persons, and they are described as being the permanent crew of the 290, now known as the Alabama.

Respectfully,
(Signed) E. MORGAN,
Surveyor.

The Bahama had cleared for Nassau in the ordinary way, with a cargo of munitions of war, which it was probable were intended for the Confederate States. Her clearance and departure presented, so far as Her Majesty's government is aware, no circumstances distinguishing her from ordinary blockade-runners. No information was ever given or representation made to Her Majesty's government as to this ship, or her cargo, before she left British waters. But even had a suspicion existed that the cargo was exported with the intention that it should be used, either in the Confederate States or elsewhere out of Her Majesty's dominions, in arming a vessel which had been unlawfully fitted in England for warlike employment, this would not have made it the duty of the officers of customs to detain her, or empowered them to do so. Such a transaction is not a breach of English law, nor is it one which Her Majesty's government was under any international obligation to prevent.

On the 5th of September, 1862, Earl Russell received from Mr. Adams a note inclosing a letter from Mr. Dudley, and also a deposition purporting to be made by one Redden, a seaman, who had sailed in the Alabama on her outward voyage, and had returned in the Bahama to Liverpool. The note and its inclosures were as follows:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 4, 1862.

MY LORD: I have the honor to transmit the copy of a letter received from the consul of the United States at Liverpool, together with a deposition in addition to the others already submitted with my notes of the 22d and 24th of July, going to show the further prosecution of the illegal and hostile measures against the United States in [102] connection with the outfit of the gun-boat No. 290 from the port of *Liverpool. It now appears that supplies are in process of transmission from here to a vessel fitted out from England, and now sailing on the high seas, with the piratical intent to burn and destroy the property of the people of the country with which Her Majesty is in alliance and friendship. I pray your lordship's pardon if I call your attention to the fact that I have not yet received any reply in writing to the several notes and representations I have had the honor to submit to Her Majesty's government touching this flagrant case.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, September 3, 1862.

SIR: I have just obtained the affidavit of the boatswain's mate who shipped in and went out in the No. 290, now called the Alabama. I inclose it to you, with bill for his services, signed by Captain Butcher. He returned on the Bahama. He states that the Alabama is to cruise on the line of packets from Liverpool to New York; that Semmes told them so. This may have been said for the purpose of misleading us. The bark that took out the guns and coal is to carry out another cargo of coal to her. It is to take it on either at Cardiff or Troon, near Greenock, in Scotland; the bark to meet the Alabama near the same island where the armament was put on board, or at least in that neighborhood. There will be no difficulty to get other testimony if it is required.

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[1] Appendix, vol. i, p. 209.

I am, &c.,
(Signed) THOS. H. DUDLEY.

P. S.—There were two American vessels in sight when they parted with the Alabama, which Captain Semmes said he would take. They no doubt were taken and destroyed, the first-fruits from this vessel.

T. H. D.

[Inclosure 2.]

Deposition of H. Redden.

Henry Redden says: I reside at 16 Hook street, Vauxhill road, and am a seaman.

In April last I shipped as boatswain's mate of a vessel lying in Laird's dock at Birkenhead, known as 290, and worked on board until she sailed.

We sailed from Liverpool about 28th July; Captain Butcher was master; Mr. Law, a southerner, was mate; Mr. Lawrence Young was purser. A Captain Bullock went out with us, but left with the pilot at Giant's Cove, near Londonderry. There were five ladies and a number of gentlemen went with us as far as the Bell buoy. We went first to Moelfra Bay, near Point Lynas, when we anchored and remained about thirty hours. The Hercules tug brought down about forty men to us there; nothing else was then taken on board. Her crew then numbered ninety men, of whom thirty-six were sailors. She had no guns on board then, nor powder nor ammunition. We left Moelfra Bay on the Thursday night at 12 o'clock, and steered for the North Channel. We discharged Captain Bullock and the pilot on Saturday afternoon. We first steered down the South Channel as far as Bardsea, when we 'bout ship and steered north. From Derry we cruised about until we arrived at Angra, eleven days after leaving Holyhead. About four days after we arrived, an English bark, ——, Captain Quinn, arrived from London with six guns, two of them 98-pounder (one rifled and the other smooth-bore) pivot guns, and four 38-pounder breech guns, smooth-bore broadside guns, 200 or 300 barrels of powder, several cases of shot, a quantity of slops, 200 tons of coal. She came alongside and made fast. We were anchored in Angra Bay about a mile and a half or two miles from shore. After being there about a week, and while we were taking the guns and ammunition on board, the authorities ordered us away. We went outside and returned at night. The bark was kept lashed alongside, and we took the remainder of the guns, &c., on board as we could. While we were discharging the bark, the steamer Bahama, Captain Tessier, arrived from Liverpool. Captain Bullock, Captain Semmes, and forty men came in her. She also brought two 38-pounder guns, smooth-bore, and two safes full of money in gold. She had a safe on board before, taken on board at Birkenhead. The Bahama was flying the British flag. The Bahama towed the bark to another place in the island, and we followed. The next morning we were ordered away from there, and went out to sea until night, when we returned to Angra Bay. The Bahama, after towing the bark away the evening of her arrival, came back to the Alabama, or 290, in Angra Bay, made fast alongside of her, and discharged the guns on board of her and the money.

The men struck for wages, and would not then go on board. There were four engineers, a boatswain, and captain's clerk named Smith, also came in the Bahama, and they were taken on board the same evening. All three vessels continued to fly the British flag the whole time. The guns were mounted as soon as they were taken on board. They were busy at work getting them and the Alabama or 290 ready for fighting while the Bahama and the bark were alongside. On the Sunday afternoon following (last Sunday week) Captain Semmes called all hands aft, and the confederate flag was hoisted, the band playing "Dixie's Land." Captain Semmes addressed the men, and said he was deranged in his mind to see his country going to ruin, and had to steal out of Liverpool like a thief. That instead of them watching him he was now going after them. He wanted all of us to join him; that he was going to sink, burn, and destroy all his enemies' property, and that any that went with him was entitled to two-twentieths prize-money; it did not matter whether the prize was sunk, or burned, or sold, the prize-money was to be paid. That there were only four or five [103] northern ships that he was afraid of. * He said he did not want any to go that were not willing to fight, and there was a steamer alongside to take them back if they were not willing.

The vessel was all this time steaming to sea, with the Bahama at a short distance. Forty-eight men, most of them firemen, refused to go, and an hour afterward were put on board the Bahama. I refused to go, and came back with the rest in the Bahama. Captain Butcher, Captain Bullock, and all the English engineers came with us, and landed here on Monday morning. When we left the Alabama she was all ready for fighting, and steering to sea. I heard Captain Semmes say he was going to cruise in the track of the ships going from New York to Liverpool, and Liverpool to

New York. The Alabama never steamed while I was in her more than eleven knots, and cannot make any more. We signed articles while in Moelfra Bay for Nassau, or an intermediate port. Captain Butcher got us to sign. The provisions were put on board at Laird's yard before sailing; they were for six months. When we left her she had about ninety men and eight guns mounted, three on each side and two pivots.

(Signed) HENRY REDDEN.

Declared and subscribed at Liverpool aforesaid, the 3d day of September, 1862, before me.

(Signed) WILLIAM G. BATESON,
Notary Public, and a Commissioner to Administer Oaths in Chancery.

Account.

August 31.—Henry Redden, at £6 per month:

	£	s.	d.
One month and five days, at 4*s*	7	0	0
Advance, £6.; tobacco, 1*s.* 8*d*	6	1	8
Amount due	0	18	4

(Signed) MATTHEW JAMES BUTCHER,
Master of Steamship 290.

Earl Russell, on the 22d September, 1862, replied as follows:[1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 22, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing a copy of a letter from the United States consul at Liverpool, together with the deposition of Henry Redden, respecting the supply of cannon and munitions of war to the gun-boat No. 290. You also call attention to the fact that you have not yet received any reply to the representations you have addressed to Her Majesty's government upon the subject.

I had the honor, in acknowledging the receipt of your letter of the 23d of June, to state to you that the matter had been referred to the proper department of Her Majesty's government for investigation. Your subsequent letters were also at once forwarded to that department, but, as you were informed in my letter of the 28th of July, it was requisite, before any active steps could be taken in the matter, to consult the law-officers of the Crown. This could not be done until sufficient evidence had been collected, and from the nature of the case some time was necessarily spent in procuring it. The report of the law-officers was not received until the 29th of July, and on the same day a telegraphic message was forwarded to Her Majesty's government stating that the vessel had sailed that morning. Instructions were then dispatched to Ireland to detain the vessel should she put into Queenstown, and similar instructions have been sent to the governor of the Bahamas in case of her visiting Nassau. It appears, however, that the vessel did not go to Queenstown, as had been expected, and nothing has been since heard of her movements.

The officers of customs will now be directed to report upon the further evidence forwarded by you, and I shall not fail to inform you of the result of the inquiry.

I am, &c.,
(Signed) RUSSELL.

Mr. Adams's note, with its inclosures, having been referred to the commissioners of customs, they, on the 25th September, 1862, reported as follows:[2]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *September* 25, 1862.

Your lordships having, by Mr. Arbuthnot's letter of the 16th instant, transmitted to us, with reference to Mr. Hamilton's letter of the 2d ultimo, the inclosed communication from the Foreign Office, with copies of a further letter, and its inclosures, from the United States minister at this court respecting the supply of cannon and munitions of war to the gun-boat No. 290, recently built at [104] *Liverpool, and now in the service of the so-called Confederate States of America, and your lordships having desired that we would take such steps as might seem to be required in view of the facts therein represented, and report the result to your lordships;

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[1] Appendix, vol. i, p. 211.

[2] Ibid, p. 213.

We have now to report—

That assuming the statements set forth in the affidavit of Redden (who sailed from Liverpool in the vessel) which accompanied Mr. Adams's letter to Earl Russell to be correct, the furnishing of arms, &c., to the gun-boat does not appear to have taken place in any part of the United Kingdom, or of Her Majesty's dominions, but in or near to Angra Bay, in the Azores, part of the Portuguese dominions. No offense, therefore, cognizable by the laws of this country appears to have been committed by the parties engaged in the transactions alluded to in the affidavit.

With respect to the allegation of Redden that the arms, &c., were shipped on board the 290 in Angra Bay, partly from a bark (name not given) which arrived there from London, commanded by Captain Quinn, and partly from the steamer Bahama, from Liverpool, we beg to state that no vessel having a master named Quinn can be traced as having sailed from this port for foreign parts during the last six months. The Knight Errant, Captain Quine, a vessel of 1,342 tons burden, cleared for Calcutta on the 12th April last with a general cargo, such as is usually exported to the East Indies, but, so far as can be ascertained from the entries, she had neither gunpowder nor cannon on board.

The Bahama steamer cleared from Liverpool on the 12th ultimo for Nassau. We find that Messrs. Fawcett, Preston and Co., engineers and iron-founders, of Liverpool, shipped on board that vessel nineteen cases containing guns, gun-carriages, shot, rammers, &c., weighing in all 158 cwt. 1 qr. 27 lbs. There was no other cargo on board, excepting 552 tons of coals for the use of the ship; and the above-mentioned goods having been regularly cleared for Nassau in compliance with the customs laws, our officers could have no power to interfere with their shipment.

With reference to the further statement in the letter of Mr. Dudley, the consul of the United States at Liverpool, that the bark that took out the guns and coal is to carry out another cargo of coal to the gun-boat 290, either from Cardiff or Troon, near Greenock, we have only to remark that there would be great difficulty in ascertaining the intention of any parties making such a shipment, and we do not apprehend that our officers would have any power of interfering with it were the coals cleared outwards for some foreign port in compliance with the law.

(Signed) F. GOULBURN.
W. R. GREY.

A copy of this report was sent to Mr. Adams by Earl Russell.

As to the vessel stated in Redden's deposition to have been commanded by a Captain Quinn, she may perhaps have been the Agrippina, McQueen, master, which appears, by the register of clearances kept in the port of London, to have cleared from that port for Demerara in August, 1862.

Her Britannic Majesty's government has reason to believe that Butcher, while the vessel afterward called the Alabama was in the waters of the Azores, falsely stated both to the Portuguese officials and to the British vice-consul that she was the steamship Barcelona, from London to Nassau, and that he desired only to coal the vessel in smooth water, having no occasion to communicate with the town. These false statements were made in order to escape interference on the part of the authorities of Terceira.

Depositions purporting to be made by other persons who had taken service in the Alabama, and had afterward left that ship during her cruise, were afterward furnished to Her Majesty's government by Mr. Adams. Among these was a deposition purporting to be made by one John Latham, part of which was as follows:[1]

Deposition of John Latham.

[Extract.]

I, John Latham, of 36 Jasper street, Liverpool, in the county of Lancaster, engineer, make oath and say as follows:

1. About the 8th or 10th of August, 1862, I signed articles at the Sailors' Home, Liverpool, to ship in the steamship Bahama, Captain Tessier, for a voyage to Nassau and back. The Bahama went out of the Bramley Moore dock the same night about 12

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[1] Appendix, vol. i, p. 226.

o'clock, and went into the river and lay-to. Captain Semmes, Captain James D. Bullock, and some other officers came on board, and about half past 7 o'clock a. m. a tug-boat came alongside with some seamen on board; the tug-boat accompanied us out about ten miles. The tug then left us, and a tall gentleman, with a reddish face and pock-marked, who came from Cunard, Wilson and Co.'s office, left us and went into the tug; as he left us, he said, "I hope you will make a good thing of it, and that you will stop where you are going to." We then proceeded on our voyage, and stood out some days, when we found we were going to the Western Isles.

2. About the 17th or 18th of August we arrived at Terceira, and we there found the Alabama and the bark Agrippina. Captain Butcher, who was on board the Alabama, hailed us and told us to go round the island, and he would be after us, but it would take them three-quarters of an hour to get his steam up. We went on, and he followed us, and the Alabama went under the lee of the island, and a shot was fired across the [105] Bahama's bows from a battery on shore, so we stopped out until the *morning. In the morning we went alongside the Alabama, and some small cases and a safe containing money was passed into the Alabama from our ship, and we then parted and anchored a little distance from her, and the bark Agrippina went and discharged the remainder of her cargo into the Alabama. During this time Captain Semmes and Captain Bullock were going backward and forward to the Alabama, but would not let any of the officers go. On Sunday, the 24th of August, Captain Semmes came on board the Bahama, and called us under the bridge, he himself and the officers standing on the bridge; he addressed us and said, "Now, my lads, there is the ship," (pointing to the Alabama;) "she is as fine a vessel as ever floated; there is a chance which seldom offers itself to a British seaman, that is, to make a little money. I am not going to put you alongside of a frigate at first; but after I have got you drilled a little, I will give you a nice little fight." He said, "There are only six ships that I am afraid of in the United States Navy." He said, "We are going to burn, sink, and destroy the commerce of the United States; your prize-money will be divided proportionately according to each man's rank, something similar to the English navy." Some of the men objected, being naval reserve men. Captain Semmes said, "Never mind that, I will make that all right; I will put you in English ports where you can get your book signed every three months." He then said, "There is Mr. Kell on the deck, and all those who are desirous of going with me let them go aft, and give Mr. Kell their names." A great many went aft, but some refused. A boat came from the Alabama, and those who had agreed to go went on board. Captain Semmes and the officers went on board. Mr. Low, the fourth lieutenant, then appeared in uniform, and he came on board the Bahama, endeavoring to induce the men to come forward and join, and he succeeded in getting the best part of us. I was one who went at the last minute. When I got on board the Alabama, I found a great number of men that had gone on board of her from Liverpool. Captain Semmes then addressed us on board the Alabama, and Captain Butcher was there also, who had taken the vessel out. Captain Semmes said he hoped "we should all content ourselves and be comfortable, one among another; but any of you that thinks he cannot stand to his gun I don't want." He then called the purser, and such as agreed to serve signed articles on the companion-hatch, and on signing the men received two months' pay in advance, or one month's wages and a half-pay note. I took a month's wages and a half-pay note for £3 10s. a month in favor of my wife, Martha Latham, 19 Wellington street, Swansea; the note was drawn on Fraser, Trenholm & Co., of Liverpool, but it was paid at Mr. Klingender's in Liverpool; the note was signed by Captain Semmes, Yonge, who was the paymaster, and Smith, the captain's clerk. I sent £5 and this half-pay note ashore by Captain Bullock, and he forwarded it with a letter to my wife.

3. Captain Bullock, on the passage out, and after we arrived at Terceira, used arguments to induce us to join the Alabama. On several occasions he advised us, and urged the men to join.

4. As soon as the men who had consented to go had all signed articles, the English ensign which the Alabama had been flying was pulled down, and the confederate flag hoisted, and a gun was fired. The men who declined joining left the ship with Captains Bullock and Butcher for the Bahama, and we proceeded under the command of Captain Semmes.

Her Majesty's government neither affirms nor denies the truth of the statements of these persons, some of which statements, however, it has reason to believe to be incorrect. But Her Majesty's government believes it to be true that the vessel known at first as the 290, and afterwards as the Alabama, having left Her Majesty's dominions unarmed, was armed for war after arriving at the Azores, either wholly in Portuguese waters, or partly in Portuguese waters and partly on the high seas; that her crew were, after her arrival in the Azores, hired and signed articles for service in the confederate navy, either in Portuguese waters or on the high seas; that Captain Semmes took command of her after she arrived at the Azores; and that, after she had been armed as aforesaid, she was commissioned (being then out of the dominions of Her Britannic Majesty) as a ship of war of the Confederate States. Her captain and officers were, as Her Majesty's government believes, all American citizens, and were at the time commissioned officers in the confederate service, except the assistant surgeon, who was a British subject. John Low, one of the lieutenants, who has been stated to have been an Englishman, was, as Her Majesty's government believes, a citizen of the State of Georgia. Of the common seamen and petty officers Her Majesty's government believes that a considerable number were British subjects, who were induced by Captain Semmes (himself an American citizen) to take service under him; but the ship's company was afterward largely increased by the addition of many American seamen, drawn from the crews of United States vessels captured by the Alabama during her cruise. In this way her crew, which is stated to have numbered about 84 men when the ship left the Azores, had increased to nearly 150 when she arrived at Martinique.

In the above-mentioned deposition of John Latham, which was received by Her Majesty's government from Mr. Adams on the 13th January, 1844, it was stated that a considerable number of the seamen who had been induced to take service in the ship belonged to the royal naval reserve; and a list or schedule was given, purporting to be a list of the crew, and to specify the names of nineteen such seamen. Inquiries were thereupon made at the admiralty with reference to the matter, and the subjoined letters, addressed by the secretary of that department, to one of the under secretaries of state for foreign affairs, show both what steps had been previously taken by the lords [106] *commissioners of the admiralty, and what was afterward done in consequence of such inquiries:[1]

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *June* 24, 1864.

SIR: With reference to your letter of the 21st instant, relative to the statement that many of the crew of the late confederate ship Alabama were naval-reserve men, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that the only men who were suspected of having joined confederate vessels, and who were ascertained to be improperly absent, were discharged from the naval-reserve force on the 25th January last.

My lords, however, concur with his lordship that it will be desirable to ascertain whether any of the men on board the Alabama did belong to the naval reserve, and they will take the necessary steps as requested.

I am, &c.,
(Signed) C. PAGET.

The secretary to the admiralty to Mr. Hammond.[2]

ADMIRALTY, *January* 29, 1864.

SIR: In reply to your letter of the 22d instant, respecting the naval-reserve men who are said to form part of the crew of the confederate steamship Alabama, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that only three of the nineteen men described in the printed list as naval-reserve men can be identified, viz: David Roach, Peter Hughes, and Michael Mars; and, of those three, the last (Mars) has been already discharged, in consequence of having joined the Alabama, as will be seen by the inclosed copy of a report from the registrar general of seamen, who has been directed to make inquiries on the subject.

I return the printed list of the crew, which accompanied your letter, with the registrar general's notations against the names.

I am, &c.,
(Signed) C. PAGET.

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[1] Appendix, vol. i, p. 237.

[2] Ibid., p. 233.

Mr. Mayo to the commodore comptroller general of the coast guard.

GENERAL REGISTER AND RECORD OFFICE OF SEAMEN,
January 27, 1864.

SIR: In accordance with the request contained in your letter of the 25th instant, I beg to acquaint you, for the information of the lords commissioners of the admiralty, that the register-books of the royal naval reserve have been searched, with a view of ascertaining whether the nineteen men described in the annexed list as forming part of the crew of the Alabama belong to the royal naval reserve, and the following is the result of the investigation:

A seaman of the name of David Roach (R. N. R. No. 11919) is reported to have been at Liverpool on the 2d of October, 1862, and a seaman of the name of Peter Hughes (R. N. R. No. 10849) is reported to have been discharged from the Great Eastern, at Liverpool, on the 16th June, 1862. As no subsequent account has been received of either of these naval-reserve men, it is possible that they may be the same men as David Roach and Peter Hughes described in the accompanying list of the crew of the Alabama; but of this I have no proof.

A seaman of the name of Michael Mars formerly belonged to the royal naval reserve, but he was discharged from the force, in consequence of having joined the Alabama. With regard to the remaining sixteen men, who are said to be members of the royal naval reserve, I have to state that I have not been able to trace them in our books by the names given. No persons of the names of William Brinton, Brent Johnson, Samuel Henry, John Duggan, Joseph Connor, William Purdy, Malcolm Macfarlane, John Emory, William Nevins, and William Hearn, have been enrolled in the reserve, and I am unable to identify as members of the royal naval reserve the seamen serving on board the Alabama in the following names, for the reasons given: William Crawford, native and resident of Aberdeen, and not of Liverpool; James Smith, thirty-two enrolled of this name; John Neil, sailed in Goldfinder, 11th April, 1862—no account since; Thomas Williams, seventeen enrolled of this name; Robert Williams, six enrolled of this name.

I have, &c.,
(Signed) F. MAYO, *Registrar General.*

The secretary to the admiralty to Mr. Hammond.[1]

ADMIRALTY, *July* 27, 1864.

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that the board of trade have succeeded in identifying three of the late confederate ship Alabama's men as naval-reserve men, viz, Thomas McMillan, Peter Hughes, Charles Seymour, and that their lordships have ordered them to be dismissed from the force.

I am, &c.,
(Signed) W. G. ROMAINE.

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[107] *With respect to the greater number of the names entered in the aforesaid schedule, it was found that no persons bearing those names had in fact been enrolled in the naval reserve.

The subsequent history of the Alabama, so far as it is known to Her Britannic Majesty's government, from the reports of its colonial officers and from other sources, is as follows:

On or about the 18th of November, 1862, the Alabama arrived at Martinique, and anchored in the harbor of Fort de France, where she received permission from the governor to remain for such time as she needed, and to land her prisoners. Her Britannic Majesty's consul at Saint Pierre, in a report made at the time, stated that shortly before her arrival, suspecting that preparations were being made for her to coal there, he had communicated the grounds of his belief to the governor. The following is an extract from the report:

> I next deemed it proper to acquaint the governor with what I had just learned. He did not seem much surprised, and observed that, if the Alabama came into port, he would act exactly as he had done on a former occasion in the case of the Sumter, when the French government had altogether approved of the measures he had taken in regard to that vessel.

The Alabama remained at Fort de France till the evening of the 19th, when she put to sea, eluding the pursuit of the United States war-steamer San Jacinto, which was keeping watch for her within view of the shore, but outside of the territorial waters of the island.

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[1] Appendix, vol. i, p. 237.

On the 20th of January, 1863, the Alabama came into the harbor of Port Royal, Jamaica, and her commander applied for leave to land the prisoners he had made in his recent engagement with the United States war-steamer Hatteras. This application was granted by the lieutenant governor, in the following letter to Commodore Dunlop, the senior naval officer at the port:[1]

Lieutenant Governor Eyre to Commodore Dunlop.

KING'S HOUSE, *January* 21, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, and beg to acquaint you, in reply, that, having consulted with the attorney general, I do not see any grounds for objecting to the landing of the prisoners taken by the Alabama.

Common humanity would dictate such a permission being granted, or otherwise fever or pestilence might arise from an overcrowded ship.

Probably the best course would be to reply to Captain Semmes's application, that this government will not interfere with his landing any persons he may think proper.

Of course, once landed, no persons could be re-embarked against their will from British soil.

I have, &c.,
(Signed) E. EYRE.

The following letters, addressed by Commodore Dunlop to the vice-admiral in command on the West Indian station, contain an account of what occurred in relation to the Alabama while she remained at Port Royal:

Commodore Dunlop to Vice-Admiral Sir A. Milne.[2]

ABOUKIR, AT JAMAICA, *January* 23, 1863.

SIR: I have the honor to inform you that on the evening of the 20th a screw-steamer, apparently a man-of-war, was seen off this port about sunset, under French colors. After dark the vessel entered the harbor, and upon being boarded proved to be the screw gun-vessel Alabama, under the so-called Confederate States flag.

2. On the morning of the 21st her commander, Captain Semmes, called on me and asked for permission to land 17 officers and 101 men, the crew of the late United States gun-vessel Hatteras, which had engaged the Alabama twenty-five miles southeast of Galveston, Texas, during the night of the 11th of January, and was sunk. The action, according to Captain Semmes's account, lasted from 13 to 15 minutes, when the Hatteras, being in a sinking state, ceased firing, and the crew were removed on board the Alabama, which there was just time to effect before the Hatteras went down.

3. In answer to Captain Semmes's application to land his prisoners, I replied that I had no authority to give such permission, but would immediately inform his excellency the lieutenant governor of his request, and let him know the answer I received as soon as possible.

4. I have the honor to annex copies of my correspondence with his excellency and his reply, relative to landing the prisoners, also copy of his excellency's letter [108] to me, to notify the captain of *the Alabama the instructions contained in the 3d paragraph of Earl Russell's dispatch to the Duke of Newcastle, and my reply thereto, as well as a copy of my letter to Captain Semmes, including a copy of the 3d and 4th paragraphs of the dispatch referred to above.

5. Captain Semmes then stated that he had six large shot-holes at the water-line, which it was absolutely necessary should be repaired before he could proceed to sea with safety, and asked permission to receive coal and necessary supplies. The necessity of the repairs was obvious, and I informed Captain Semmes that no time must be lost in completing them, taking in his supplies, and proceeding to sea in exact conformity with the spirit of Earl Russell's dispatch. Captain Semmes gave me his word of honor that no unnecessary delay should take place, adding, "My interest is entirely in accordance with your wishes on this point, for if I remain here an hour more than

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[1] Appendix, vol. i, p. 265.

[2] Ibid., p. 264.

can be avoided I shall run the risk of finding a squadron of my enemies outside, for no doubt they will be in pursuit of me immediately."

Owing to the delay in receiving the lieutenant governor's answer to my letter relative to landing the prisoners from Spanish Town, it was not until the evening of the 21st that permission to do so reached Captain Semmes, and too late for them to be landed that night. The crowded state of the vessel previous to the landing of the prisoners on the morning of the 22d made it difficult to proceed with the necessary repairs, and no doubt caused some unavoidable delay. As soon as these repairs are completed the Alabama will proceed to sea.

I am, &c.,
(Signed) HUGH DUNLOP.

Commodore Dunlop to Vice-Admiral Sir A. Milne.[1]

ABOUKIR, AT JAMAICA, *February* 7, 1863.

SIR: In order to anticipate any exaggeration or false reports that may be circulated in the American newspapers, or otherwise, relative to the visit of the confederate gun-vessel Alabama to this port, and so to save unnecessary correspondence, I have the honor to state herein for your information the whole of the circumstances attending the visit of that vessel from her arrival to the time of her departure from Jamaica.

2. As reported in my letter of the 23d January, the Alabama anchored in this port after dark on the evening of the 20th. She commenced repairing the damages received in action with the Federal gun-vessel Hatteras the next morning, at the same time receiving a supply of provisions and coal.

3. The lieutenant governor's permission for the prisoners to land not having reached me until the evening of the 21st, they did not leave the Alabama until the morning of the 22d, when they proceeded to Kingston in shore-boats, which were provided by the United States consul.

4. The commander of the late United States gun-vessel Hatteras did not call on me, or send me any communication whatever, during his stay on this island.

5. At 9.30 on the morning of the 21st, the captain of the Jason waited on me to ask if I had any objections to officers of the ships in harbor going on board the Alabama; to which I answered that as it might be hurtful to the feeling of the officers and men, prisoners on board the Alabama, on no account was any one from any of Her Majesty's ships to visit that vessel until after all the prisoners were landed.

6. It having subsequently been reported to me that some officers had been on board the Alabama prior to the landing of the prisoners, I called on the captains and commanders of the different ships to report to me in writing whether any officer under their command had acted contrary to my order. I found from the reports that four officers of the Challenger, four officers of the Cygnet, and one of the Greyhound had gone on board the confederate gun-vessel before my order was made known.

7. I regret that the captains and commanders of these ships should have given permission to their officers previous to communicating with me on the subject, though it was done entirely from thoughtlessness, forgetting that there could be any objection to it. The commander of the Cygnet was in hospital, and therefore is not responsible for the officers of that ship going on board the Alabama.

8. I annex a copy of a report from Commander Hickley relative to the tune of "Dixie's Land" having been played on board the Greyhound shortly after the Alabama anchored, and copy of a correspondence between him and Lieutenant Commander Blake, of the United States Navy, relative to the same. After the explanation that took place, Lieutenant Commander Blake expressed himself to Commander Hickley as perfectly satisfied that no British officer or gentleman would have been guilty of insulting gallant men suffering from a misfortune to which the chances of war render all liable. I reprimanded the lieutenant of the Greyhound who ordered the confederate air to be played, and he expressed his regret for having done so.

9. The fractures made by six large shot or shell near the water-line of the Alabama required extensive repairs, which could not be completed by the unskillful workmen hired here before late in the afternoon of the 25th, and the Alabama sailed at 8.30 of the same evening.

10. In conclusion I have only to state that the confederate vessel was treated strictly in accordance with the instructions contained in Earl Russell's letter of the 31st January, 1862, and exactly as I shall act toward any United States man-of-war that may hereafter call here.

11. Two United States ships of war, the Richmond and Powhatan, arrived here in 1861, coaled and provisioned, and remained in port, the Richmond four days, and the Powhatan three days; the San Jacinto was also here, and remained four hours.

I have, &c.,
(Signed) HUGH DUNLOP.

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[1] Appendix, vol. i, p. 268.

*On the 11th of May, 1863, the Alabama arrived at Bahia, [109] having previously touched at the Brazilian island of Fernando de Noronha. About the same time the Florida and Georgia, confederate war steamers, were likewise in Brazilian ports, where they were permitted to purchase coal and provisions and to refit.

The United States minister at Rio de Janeiro hereupon wrote in very warm terms to the Brazilian minister of foreign affairs, arguing that all the three vessels were piratical, and should be treated as such; affirming further that the Alabama, while at Fernando de Noronha, had violated the neutrality of Brazil by making prize of United States vessels within the territorial waters of the empire; insisting that it was the duty of the Emperor's government to capture her; and threatening that if this were not done the Brazilian government should be held responsible by the Government of the United States. In a dispatch dated the 21st May, 1863, he wrote as follows:[1]

> The Georgia lands prisoners avowedly taken from a captured American ship, and asks permission of the governor of Bahia to coal and buy provisions, and the permission is cordially granted.
>
> The Florida lands her prisoners, officers, crews, and passengers of American vessels captured and burned, and not only asks and receives permission to coal and purchase provisions, but further asks to be allowed whatever time is necessary to repair her engine and *refit* for her work of destruction; and, in defiance of the solemn and most earnest protest of the consul of the United States, this privilege is accorded to her by the governor of Pernambuco, from a desire *not to diminish his means of defense and security!*
>
> The Alabama goes into Bahia, and does not even ask permission to remain. She arrived on the 11th and was still there when the Guienne sailed on the 14th. The consul of the United States protested against her presence, and demanded that she should be seized and held subject to the orders of the Brazilian government for having destroyed American property in Brazilian waters, for which the government of the United States will hold Brazil responsible, if, now that the opportunity presents, the authorities do not vindicate the sovereignty of Brazil and capture the pirate. The governor of Bahia sends to the United States consul the communication of the governor of Pernambuco to the captain of the pirate, complaining of his piracies, charging him with a violation of Brazilian sovereignty, and ordering him, in consequence of such disgraceful conduct, to leave the waters of Brazil within twenty-four hours. The governor of Bahia thus demonstrates that he knows the piratical character of this vessel, and is familiar with her violation of the sovereignty of Brazil by destroying American vessels within the waters of that empire. He knows, too, that the imperial government, by its acts, had proclaimed this pirate guilty of violations of its sovereignty, and ordered him to leave their port of Fernando Noronha; and yet he deliberately permits him to enter the port of Bahia, refuses to regard the protest of our consul, and, at the last accounts, had harbored him four days without pretending that his presence was not acceptable!
>
> Thus, at this moment, the ports of Brazil are made harbors of refuge and places of resort and departure for three piratical vessels, avowedly designed to prey upon the commerce of the United States. The waters of Brazil are violated with impunity in this piratical work, and after the imperial government had admitted and declared its indignation at such violation of sovereignty, the guilty party is received with hospitality and friendship by the governor of Bahia, and instead of being captured and imprisoned, and his vessel detained, he is fêted, and supplied with the necessary provisions and coal to enable him to continue his depredations upon American commerce. The wharves and streets of Bahia and Pernambuco have been for weeks past swarmed with American sailors and passengers from merchantmen trading with Brazil, which have been captured, and the persons on board robbed, by the pirates of the Alabama, Florida, and Georgia, and they have been compelled, in the ports of a friendly nation, to witness their clothing and jewelry, and even family relics, sold on the wharves and in the streets of Bahia and Pernambuco, by their piratical captors, at a tenth of their value; while the piratical vessels and all on board were received and treated as friends, and supplied with the necessary materials to continue their nefarious practices. The scenes which history informs us were rife in the seventeenth century, in the islands of the West Indies, are now being enacted in this the nineteenth century, in the ports of Brazil, and that through no fault of the imperial government—which has already done its whole duty as rapidly as circumstances have permitted—but because the governors of Pernambuco and Bahia, in their sympathy with piracy and pirates, have neglected their duty to Brazil, and brought discredit upon the civilization of the age.

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[1] Appendix, vol. i, p. 280.

Your excellency is aware that the facts in connection with the presence of these piratical vessels in the ports of Brazil are even stronger than in this hasty communication they are presented; and, therefore, the undersigned will not for a moment doubt but the imperial government will promptly visit upon the offending governors the punishment they have so richly merited. But it appears to the undersigned that the government of Brazil has still another duty to perform, itself, to the Government of the United States, to humanity, and to the civilization of the age, and that is the capture of the Alabama whenever she enters a Brazilian harbor. That piratical vessel has violated the sovereignty of Brazil by destroying the vessels of a friendly nation within the waters of the empire. The government of Brazil, by its acts, has proclaimed this fact; and, most assuredly, if, when it has the power to do so, it does not capture and detain the offender, it makes itself a party to his acts, and compels the Government of the United States not only to look to Brazil for compensation for injuries done to its commerce within its waters, but also to hold Brazil responsible for permitting this pirate to proceed in his depredations upon American commerce.

[110] *The undersigned does not visit upon the imperial government the conduct of its governors toward the Florida and Georgia, well knowing that it will, as heretofore, do its duty in the premises. But the case of the Alabama is a very different one. She has violated the neutrality, and outraged the sovereignty of Brazil, by capturing and burning American vessels in Brazilian waters; and if, when Brazil possess the ability, and the opportunity offers, she does not take possession of her, assuredly, the government of Brazil assumes the responsibility of her acts, and the United States will be compelled to look for redress to Brazil, as she did to Portugal in the case of the General Armstrong.

The course taken by the United States minister was approved by his Government.

The minister of foreign affairs for the empire of Brazil replied as follows to the complaints of the minister of the United States:[1]

The Marquis d'Abrantes to Mr. Webb.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 23, 1863.

I hasten to acknowledge the reception of the note which, under date of the 21st instant, Mr. James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States at this court, has done me the honor to address to me, with a view of calling my attention to a serious violation of neutrality which has been perpetrated, and is now being perpetrated, by two representatives of the imperial government in the ports of Pernambuco and Bahia.

Mr. Webb, in referring to the proceedings of the presidents of said provinces toward the steamers of the Confederate States which come into their ports, accuses said presidents, and complains of their having afforded hospitality to those steamers, and of having permitted them to make repairs, to receive provisions, and to land merchandise of vessels which they had captured.

Mr. Webb bases his complaints on a series of acts which he enumerates, and which he characterizes as violative of the neutrality which the government of His Majesty the Emperor imposes on itself in the deplorable contest of the American Union.

The affair in question is undoubtedly grave and important, and the imperial government gives to the authorized language of Mr. Webb all the consideration which is due to it.

But for this very reason, and Mr. Webb will certainly acknowledge it, the imperial cabinet is under the unavoidable necessity of proceeding in such a delicate matter with the greatest discretion and prudence, in order to observe religiously the position which it has assumed since the manifestation of the first events which tended to the result of a division of the United States.

The position to which I allude Mr. Webb perfectly understands, as he also understands the principles on which it rests, since they were laid down in a circular which was issued by the imperial government to its delegates in the provinces, under date of the 1st of August, 1861.

Conforming to the rules generally admitted among civilized nations, the imperial government in that circular prescribes the practical mode of rendering effective the neutrality which it imposes on itself.

Without at present confirming or denying the acts as set forth by Mr. Webb, and without entering into an appreciation of the observations with which he accompanies the narration of them, what I can at once most positively declare to him is, that the government of His Majesty the Emperor is firmly resolved to maintain, and to cause to be respected, the neutrality, in the terms in which it has declared it assumed it, and, what is important to declare, that it is not disposed to allow this neutrality to be violated in any way by those interested in the contest, and still less by the delegates of the government itself.

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[1] Appendix, vol. i, p. 283.

Of the sincerity of this declaration Mr. Webb has an indisputable proof in my note of the 7th instant relative to the steamer Alabama, of the Confederate States, as in it I voluntarily hastened to bring to the knowledge of Mr. Webb not only the official communications which the imperial government has received in regard to the acts committed at Pernambuco by that steamer, but also the resolutions adopted by the government to approve entirely of the proceedings on that occasion of the president referred to, and to resort to the necessary measures to repress the abuses of the captain of the Alabama, and cause the neutrality of the empire to be religiously observed.

Therefore Mr. Webb, certain as he must be of the intentions of the imperial government, and of all the respect which this government pays to his word, will assuredly not be surprised that, before coming to a final decision on the important acts which form the subject of the note with which I am now occupied, the imperial government should hear what their delegates in the provinces have to relate, and should strive scrupulously to verify their exactness.

By the French packet which leaves this port on the 25th instant, the imperial government sends the most positive and conclusive orders to the presidents of Bahia and Pernambuco that, without loss of time, they will circumstantially report in regard to each of the acts alleged in the note of Mr. Webb, of which he gives to them full information.

And, as soon as the reports referred to shall arrive, Mr. Webb may rely that the imperial government will not hesitate to put forth its hand to the means necessary to render effective the neutrality which it imposes on itself, provided it has been violated, and to leave beyond all doubt the fairness of its proceeding.

Flattering myself that this brief answer will tranquillize Mr. Webb, I profit by the occasion, &c.

(Signed) MARQUIS D'ABRANTES.

[111] *The government of Brazil in this note adhered to the position which it had assumed at the commencement of the war by its circular of 1st August, 1861. The circular contained the following passage:[1]

> The Confederate States have no recognized existence; but, having constituted a distinct government *de facto*, the imperial government cannot consider their naval armaments as acts of piracy, nor refuse them, with the necessary restrictions, the character of belligerents which they have assumed.

It being alleged, however, and (as it appears) proved, that the Alabama had made prizes within the territorial waters of the island of Fernando de Noronha, and that the governor of that island had taken no steps to prevent this or protest against it, he was deprived of his office by the president of the province; and this act was approved by the Brazilian government. The Alabama remained in the port of Bahia for eight or nine days.

Some further correspondence passed between Mr. Webb and the Brazilian minister of foreign affairs, in the course of which the latter vindicated the conduct of the presidents of the provinces of Pernambuco and Bahia, and declared that, since Brazil had originally recognized the Confederate States as belligerents, and had not withdrawn that recognition, and the Florida, Georgia, and Alabama bore the flag and commission of those States, these vessels had been rightly treated as belligerent vessels of war. He informed Mr. Webb, however, that since the Alabama appeared to have violated the neutrality of Brazil by using Rata Island as a base of hostile operations, she would not in future be admitted into any Brazilian port.[2]

On or about the 29th July, 1863, the Alabama arrived at Saldanha Bay, on the southwest coast of Africa, and in the vicinity of Cape Town.

The consul of the United States at Cape Town, on the 4th August,

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[1] Appendix, vol. i, p. 284.

[2] Ibid., pp. 288-300

1863, addressed the following letter to Sir Philip Wodehouse, governor of the Cape Colony:[1]

UNITED STATES CONSULATE,
Cape Town, August 4, 1863.

SIR: From reliable information received by me, and which you are also doubtless in possession of, a war-steamer called the Alabama is now in Saldanha Bay being painted, discharging prisoners of war, &c.

The vessel in question was built in England, to prey upon the commerce of the United States of America, and escaped therefrom while on her trial trip, forfeiting bonds of £20,000, which the British government exacted under the foreign-enlistment act.

Now, as your government has a treaty of amity and commerce with the United States, and has not recognized the persons in revolt against the United States as a government at all, the vessel alluded to should be at once seized and sent to England, from whence she clandestinely escaped. Assuming that the British government was sincere in exacting the bonds, you have doubtless been instructed to send her home to England, where she belongs. But if, from some oversight, you have not received such instructions, and you decline the responsibility of making the seizure, I would most respectfully protest against the vessel remaining in any port of the colony another day. She has been at Saldanha Bay four [six] days already, and a week previously on the coast, and has forfeited all right to remain an hour longer by this breach of neutrality. Painting a ship does not come under the head of "necessary repairs," and is no proof that she is unseaworthy; and to allow her to visit other ports after she has set the Queen's proclamation of neutrality at defiance, would not be regarded as in accordance with the spirit and purpose of that document.

Yours, &c.,
(Signed) WALTER GRAHAM,
United States Consul.

His Excellency SIR PHILIP E. WODEHOUSE.

The statement in this letter that bonds had been exacted and forfeited was entirely erroneous. No such bonds had been given or forfeited, nor could they have been required by British law. The consul's letter was answered as follows:[2]

COLONIAL OFFICE, *August* 5, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, relative to the Alabama.

His excellency has no instructions, neither has he any authority to seize or detain that vessel; and he desires me to acquaint you that he has received a letter from the commander, dated the 1st instant, stating that repairs were in progress, and as soon as they were completed he intended to go to sea. He further announces his intention of respecting strictly the neutrality of the British government.

The course which Captain Semmes here proposes to take is, in the governor's opinion, in conformity with the instructions he has himself received relative to ships of [112] war and privateers belonging to the *United States and the States calling themselves the Confederate States of America visiting British ports.

The reports received from Saldanha Bay induce the governor to believe that the vessel will leave that harbor as soon as her repairs are completed; but he will, immediately on receiving intelligence to the contrary, take the necessary steps for enforcing the observance of the rules laid down by Her Majesty's government.

I have, &c.,
(Signed) L. ADAMSON,
For the Colonial Secretary.

The facts which occurred, and the questions which arose, while the Alabama remained within the limiis of the Cape Colony, are stated in the following dispatch, addressed by the governor to Her Majesty's secretary of state for the colonies:[3]

Governor Sir P. Wodehouse to the Duke of Newcastle.

[Extract.]

GOVERNMENT HOUSE,
Cape Town, August 19, 1863.

I beg to take this opportunity of making your grace acquainted with what has occurred here in connection with the visit of the Confederate States steamer Alabama.

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[1] Appendix, vol. i, p. 300. [2] Ibid., p. 301. [3] Ibid., p. 312.

On Tuesday the 14th instant I received a letter from the commander of that vessel, dated the 1st August, at Saldanha Bay, announcing his having entered that bay with a view to effecting certain repairs, and stating that he would put to sea as soon as they were completed, and would strictly respect our neutrality.

When this intelligence was received the United States consul called on me to seize her, or at any rate to send her away instantly; but as the vessel which brought the news reported that the Alabama was coming immediately to Table Bay, I replied that I could not seize her, but would take care to enforce the observance of the neutral regulations.

On the next day, about noon, it was reported from the signal station that the Alabama was steering for Table Bay from the north, and that a Federal bark was coming in from the westward; and soon after, that the latter had been captured and put about. A little after 2 p. m. the United States consul called to state that he had seen the capture effected within British waters; when I told him he must make his statement in writing, and an investigation should be made. I also, by telegram, immediately requested the naval commander-in-chief to send a ship of war from Simon's Bay. The Alabama, leaving her prize outside, anchored in the bay at 3.30 p. m., when Captain Semmes wrote to me that he wanted supplies and repairs, as well as permission to land thirty-three prisoners. After communicating with the United States consul, I authorized the latter, and called upon him to state the nature and extent of his wants, that I might be enabled to judge of the time he ought to remain in port. The same afternoon he promised to send the next morning a list of the stores needed, and announced his intention of proceeding with all dispatch to Simon's Bay to effect his repairs there. The next morning (6th August) the paymaster called on me with the merchant who was to furnish the supplies, and I granted him leave to stay till noon of the 7th.

On the night of the 5th Her Majesty's ship Valorous had come round from Simon's Bay. During the night of the 6th the weather became unfavorable; a vessel was wrecked in the bay, and a heavy sea prevented the Alabama from receiving her supplies by the time arranged. On the morning of the 8th, Captain Forsyth, of the Valorous, and the port-captain, by my desire, pressed on Captain Semmes the necessity for his leaving the port without any unnecessary delay; when he pleaded the continued heavy sea and the absence of his cooking apparatus, which had been sent on shore for repairs and had not been returned by the tradesman at the time appointed, and intimated his own anxiety to get away. Between 6 and 7 a. m. on Sunday the 9th he sailed, and on his way round to Simon's Bay captured another vessel, but, on finding that she was in neutral waters, immediately released her.

In the mean time the United States consul had, on the 5th August, addressed to me a written statement, that the Federal bark Sea Bride had been taken "about four miles from the nearest land," and "already in British waters;" on which I promised immediate inquiry. The next day the consul repeated his protest, supporting it by an affidavit of the master of the prize, which he held to show that she had been taken about two miles and a half from the land; and the agent for the United States underwriters, on the same day, made a similar protest. On the 7th the consul represented that the prize had, on the previous day, been brought within one mile and a half of the light-house, which he considered as much a violation of the neutrality as if she had been there captured, and asked me to have the prize crew taken out, and replaced by one from the Valorous, which I declined.

I had, during this period, been seeking for authentic information as to the real circumstances of the capture, more particularly with reference to the actual distance from the shore, and obtained through the acting attorney general, statements from the keeper of the Green Point light-house, (this was supported by the collector of customs,) from the signalman at the station on the Lion's Rump, and from an experienced boatman who was passing between the shore and the vessels at the time. Captain Forsyth, of the Valorous, also made inquiries of the captain of the Alabama, and of the port-captain, and made known the result to me; and from all these statements, I came to the conclusion that the vessels were not less than four miles distant from land; and on the 8th I communicated to the United States consul that the capture could not, in my opinion, be held to be illegal by reason of the place at which it was effected.

[113] *In his reply of the 10th, the consul endeavored to show how indefensible my decision must be, if, in these days of improved artillery, I rested it on the fact of the vessels having been only three miles from land. This passage is, I think, of considerable importance, as involving an indirect admission that they were not within three miles at the time of capture; and I hope your grace will concur in my view that it was not my duty to go beyond what I found to be the distance clearly established by past decisions under international law.

An important question has arisen in connection with the Alabama, on which it is very desirable that I should, as soon as practicable, be made acquainted with the views of Her Majesty's government. Captain Semmes had mentioned, after his arrival in port, that he had left outside one of his prizes previously taken, the Tuscaloosa, which he had equipped and fitted as a tender, and had ordered to meet him in Simon's

Bay, as she also stood in need of supplies. When this became known to the naval commander-in-chief, he requested me to furnish him with a legal opinion; and whether this vessel could be held to be a ship of war before she had been formally condemned in a prize-court; or whether she must not be held to be still a prize, and as such prohibited from entering our ports. The acting attorney-general, founding his opinion on Earl Russell's dispatch to your grace of the 31st January, 1862, and on Wheaton's "International Law," stated in substance that it was open to Captain Semmes to convert this vessel into a ship of war, and that she ought to be admitted into our ports on that footing.

On the 8th August the vessel entered Simon's Bay, and the admiral wrote that she had two small rifled guns with a crew of ten men, and that her cargo of wool was still on board. He was still doubtful of the propriety of admitting her.

On the 10th August, after further consultation with the acting attorney-general, I informed Sir Baldwin Walker that, if the guns had been put on board by the Alabama, or if she had a commission of war, or if she were commanded by an officer of the confederate navy, there must be held to be a sufficient setting forth as a vessel of war to justify her admission into port in that character.

The admiral replied in the affirmative on the first and last points, and she was admitted.

The Tuscaloosa sailed from Simon's Bay on the morning of the 14th instant, but was becalmed in the vicinity until the following day, when she sailed about noon. The Alabama left before noon on the 15th instant. Neither of these vessels was allowed to remain in port longer than was really necessary for the completion of their repairs.

On the 16th, at noon, the Georgia, another confederate war-steamer, arrived at Simon's Bay in need of repairs, and is still there.

Before closing this dispatch, I wish particularly to request instructions on a point touched on in the letter from the United States consul of the 17th instant, viz, the steps which should be taken here in the event of the cargo of any vessel captured by one of the belligerents being taken out of the prize at sea, and brought into one of our ports in a British or other neutral vessel.

Both belligerents are strictly interdicted from bringing their prizes into British ports by Earl Russell's letter to the lords of the admiralty of the 1st June, 1861, and I conceive that a colonial government would be justified in enforcing compliance with that order by any means at its command, and by the exercise of force if it should be required.

But that letter refers only to "prizes," that is, I conceive, to the ships themselves, and makes no mention of the cargoes they may contain. Practically, the prohibition has been taken to extend to the cargoes; and I gathered, from a conversation with Captain Semmes on the subject of our neutrality regulations, that he considered himself debarred from disposing of them, and was thus driven to the destruction of all that he took. But I confess that I am unable to discover by what legal means I could prevent the introduction into our ports of captured property purchased at sea, and tendered for entry at the custom-house, in the usual form, from a neutral ship. I have consulted the acting attorney-general on the subject, and he is not prepared to state that the customs authorities would be justified in making a seizure under such circumstances; and therefore, as there is great probability of clandestine attempts being made to introduce cargoes of this description, I shall be glad to be favored with the earliest practicable intimation of the views of Her Majesty's government on the subect.

The allegation that the capture of the Sea Bride had taken place within the territorial waters of the colony was ascertained by clear proof to be erroneous.

The questions stated in the dispatch of Sir P. Wodehouse were referred to the law-officers of the Crown, who reported on them as follows:[1]

Opinion.

LINCOLN'S INN, *October* 19, 1863.

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of the 30th September ultimo, stating that he was directed by your lordship to transmit to us the accompanying letters and their inclosures from the admiralty and colonial office, dated respectively the 26th and 29th September ultimo, relative to the proceedings at the Cape of Good Hope of the confederate vessels of war Georgia, Alabama, and her reputed tender Tuscaloosa; and to request that we would take the various questions raised in these papers, and especially the opinion given by the acting attorney general of that colony with regard to the latter vessel, into our consideration, and favor your lordship with such observations as we might have to make thereupon.

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[1] Appendix, vol. i, p. 322.

We are also honored with your lordship's commands signified in Mr. Hammond's letter of the 2d October instant, stating that, with reference to his letter of the 30th [114] ultimo, he was directed by *your lordship to transmit to us the accompanying letter, dated the 29th September ultimo, from Mr. Adams, relative to the proceedings of the Alabama off the Cape of Good Hope, and to request that we would take the same into our consideration, together with papers on this subject then before us, and favor your lordship with our opinion thereupon.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That, so far as relates to the capture of the Sea Bride made by the Alabama, it appears, as we understand the evidence, to have been effected beyond the distance of three miles from the shore; and, as we have already had the honor to report to your lordship, that distance must be accepted as the limit of territorial jurisdiction, according to the present rule of international law upon that subject. It appears, however, that this prize, very soon after her capture, was brought within the distance of two miles from the shore; and as this was contrary to Her Majesty's orders, it might have afforded just grounds (if the apology of Captain Semmes for this improper act, which he ascribed to inadvertence, had not been accepted by Sir Philip Wodehouse) for the interference of the authorities of the Cape Colony upon the principles which we are about to explain.

Secondly, with respect to the Alabama herself, we are clearly of opinion that neither the governor nor any other authority at the cape could exercise any jurisdiction over her; and that, whatever was her previous history, they were bound to treat her as a ship of war belonging to a belligerent power.

Upon the third point raised with regard to the vessel called the Tuscaloosa, we are not able to agree with the opinion expressed by the attorney general of the Cape Colony, that she had ceased to have the character of a prize captured by the Alabama merely because she was, at the time of her being brought within British waters, armed with two small guns, in charge of an officer, and manned with a crew of ten men from the Alabama, and used as a tender to that vessel, under the authority of Captain Semmes.

It would appear that the Tuscaloosa is a bark of 500 tons, captured by the Alabama off the coast of Brazil on the 21st of June last, and brought into Simon's Bay on or before the 7th of August, with her original cargo of wool (itself, as well as the vessel, prize) still on board, and with nothing to give her a warlike character (so far as appears from the papers before us) except the circumstances already noticed.

We therefore do not feel called upon, in the circumstances of this case, to enter into the question whether, in the case of a vessel duly commissioned as a ship of war, after being made prize by a belligerent government, without being first brought *infra præsidia* or condemned by a court of prize, the character of prize, within the meaning of Her Majesty's orders, would or would not be merged in that of a national ship of war. It is enough to say that the citation from Mr. Wheaton's book by the colonial attorney general does not appear to us to have any direct bearing upon this question.

Connected with this subject is the question as to the cargoes of captured vessels, which is noticed at the end of Sir Philip Wodehouse's dispatch of the 19th August last. We think that, according to the true interpretation of Her Majesty's orders, they apply as much to prize cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters as to the captured vessels themselves. They do not, however, apply to any articles which may have formed part of any such cargoes, if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

We think it right to observe that the third reason alleged by the colonial attorney general for his opinion assumes (though the fact had not been made the subject of any inquiry) that "no means existed for determining whether the ship had or had not been judicially condemned in a court of competent jurisdiction;" and the proposition that, "*admitting her to have been captured by a ship of war of the Confederate States*, she was entitled to refer Her Majesty's government, in case of dispute, to the court of her States, in order to satisfy it as to her real character," appears to us to be at variance with Her Majesty's undoubted right to determine, within her own territory, whether her orders, made in vindication of her own neutrality, have been violated or not.

The question remains, what course ought to have been taken by the authorities at the Cape, first, in order to ascertain whether this vessel was, as alleged by the United States consul, an uncondemned prize, brought within British waters in violation of Her Majesty's neutrality; and secondly, what ought to have been done if such had appeared to be really the fact? We think that the allegations of the United States consul ought to have been brought to the knowledge of Captain Semmes while the

Tuscaloosa was still within British waters; and that he should have been requested to state whether he did or did not admit the facts to be as alleged. He should also have been called upon (unless the facts were admitted) to produce the Tuscaloosa's papers. If the result of these inquiries had been to prove that the vessel was really an uncondemned prize, brought into British waters in violation of Her Majesty's orders, made for the purpose of maintaining her neutrality, it would, we think, deserve very serious consideration whether the mode of proceeding in such circumstances, most consistent with Her Majesty's dignity and most proper for the vindication of her territorial rights, would not have been to prohibit the exercise of any further control over the Tuscaloosa by her captors, and to retain that vessel under Her Majesty's control and jurisdiction until properly reclaimed by her original owners.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

Instructions in accordance with this opinion were accordingly sent to Sir P. Wodehouse.[1]

[115] *In connection with the above correspondence it may be convenient to state here the subsequent history of the Tuscaloosa.

The question which arose as to this ship was not whether there had been a violation of the law of nations or of Her Majesty's neutrality, but whether the orders issued by Her Majesty's government, that no prizes should be suffered to be brought into ports within Her Majesty's dominions, had or had not been infringed. This again depended on the question whether the Tuscaloosa had or had not been divested of the character of a prize. The governor of the Cape Colony was advised that she had, and he accordingly permitted her to depart. Her Majesty's government was advised that she had not. She returned to Simon's Bay on the 26th December, 1863, and was then seized by the rear-admiral commanding on the station, with the concurrence of the governor.[2] Directions were subsequently sent by Her Majesty's government that she should be restored to her commander, Lieutenant Low, on the special ground that, having been once allowed to enter and leave the port, he was fairly entitled to assume that he might do so a second time.[3] She was not, however, actually given up; Lieutenant Low having left the cape at the time, and there being no one to receive her. At the conclusion of the war she was handed over to the consul of the United States as the representative of her original owners.[4]

A further question afterward arose respecting certain goods which had been imported by a French ship into the Mauritius, and had been claimed by the United States consul there, on the ground that they had formed part of the cargo captured by the Alabama in the Sea Bride. This question having been referred to the law-officers of the Crown, they reported on it as follows:[5]

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *May* 11, 1864.

MY LORD: We are honored with your lordship's commands signified in Mr. Murray's letter of the 5th instant, stating that he was directed by your lordship to transmit to us the papers as marked in the margin, respecting some goods which had been brought to the Mauritius in the French bark Sirène, and for the detention of which application was made by the United States consul to the governor of the colony, on the ground that they had formed part of the cargo of the confederate prize Sea Bride; and Mr. Murray stated that we should observe from the letter from the colonial office of the 5th instant, that Mr. Secretary Cardwell is of opinion that, as the question of the general instructions to be issued to the governors of Her Majesty's colonies was brought under our consideration in Mr. Layard's letter of the 16th ultimo, it is desirable that we should also have before us the papers now sent to us, relative to the disposal of the cargoes of prize vessels brought into a colonial port in British or other neutral vessels; and Mr. Murray was accordingly to request that we would take these papers into consideration, together with those lately before us, and embody in the proposed instructions to the colonial governors such directions as we may consider advisable on this particular head.

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[1] Appendix, vol. i, p. 327.
[2] Ibid., pp. 330–342.
[3] Ibid., pp. 342–344.
[4] Ibid., p. 363.
[5] Ibid., p. 365.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report that, after considering these papers, it does not appear to us to be necessary to make any change in, or addition to, the draught instructions prepared by us, pursuant to the request conveyed in Mr. Layard's letter of the 16th ultimo.

Questions such as that lately raised at the Mauritius by the United States consul with respect to the cargo of the Sea Bride must be left, in our opinion, to the civil tribunals. The executive government has no authority to disregard or call in question the *prima facie* title, evidenced by possession, of a private non-belligerent person who brings property of this description into a neutral port, whether he be a foreigner or a British subject. And there is no foundation in law for the idea that a valid title cannot be made to property taken in war, by enemy from enemy, without a prior sentence of condemnation.

The absence of such a sentence may be material when the question is whether captured goods, brought by a belligerent ship of war, exempt from civil jurisdiction, into a neutral port from which prizes are excluded, ought to be regarded by the neutral government as still having the character of prize; but this is altogether different from a mere question of property in the goods themselves.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

It has been previously stated that the Alabama sailed from Simon's Bay on the 15th August. On the 16th September she returned thither,[1] and soon afterward sailed for the Indian Seas. The United States war-steamer Vanderbilt had, in the interval, visited both Cape Town and Simon's Bay, coaled, and departed for the Mauritius. She had previously coaled at St. Helena, and at the Mauritius she obtained [116] a renewed supply. The *Alabama touched and coaled at Singapore on or about the 21st of December, 1863; returned a second time to the Cape of Good Hope on the 20th of March, 1864;[2] and thence proceeded to Europe, anchoring, on the 11th June, 1863, in the port of Cherbourg. The United States minister at Paris, Mr. Dayton,[3] protested in writing against her being received into a French port. She was, however, admitted, and suffered to coal and to make such repairs as might be necessary, but did not obtain permission to enter the government docks.

On the 19th June, 1864, she engaged the United States war-steamer Kearsarge, off the coast of France, and was sunk, after an action lasting about an hour. Some of her officers and crew were picked up and saved by an English yacht, which happened to be near at hand, and some by a French pilot-boat.

With reference to this incident some correspondence passed between Mr. Adams and the government of Her Britannic Majesty, Mr. Adams erroneously contending that it was the duty of the owner of the yacht to surrender the persons whom he had picked up to the captain of the Kearsarge. To the representations made on this subject Earl Russell replied:[4]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 27, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, complaining of the interference of a British vessel, the Deerhound, with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who you state had already surrendered themselves prisoners of war, and calling my attention to the remarkable proportion of officers and American insurgents, as compared with the whole number of persons rescued from the waves. You state further that you can scarcely entertain a doubt that this selection was made by British subjects with a view to connive at the escape of these particular individuals from captivity.

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[1] Appendix, vol. i, p. 325.
[2] Ibid., p. 372.
[3] Ibid., p. 376.
[4] Ibid., p. 380.

I have the honor to state to you, in reply, that it appears to me that the owner of the Deerhound, of the royal yacht squadron, performed only a common duty of humanity in saving from the waves the captain and several of the crew of the Alabama. They would otherwise, in all probability, have been drowned, and thus would never have been in the situation of prisoners of war.

It does not appear to me to be any part of the duty of a neutral to assist in making prisoners of war for one of the belligerents.

I shall, however, transmit to the owner of the Deerhound a copy of your letter and its inclosures, together with a copy of this letter.

I am, &c.,
(Signed) RUSSELL.

The following correspondence also passed between the captain of the Kearsarge and M. Bonfils, who is stated to have been an agent, in France, of the government of the Confederate States:[1]

Captain Winslow, United States Navy, to M. Bonfils.

UNITED STATES STEAMSHIP KEARSARGE, *le* 21 *juin*, 1871.

MONSIEUR: Certains canots de pilots, auxquels j'avais permis, par humanité, de sauver plusieurs prisonniers lorsque l'Alabama eût sombré, les ont amenés à Cherbourg. Ces officiers et hommes d'équipage n'en sont pas moins soumis aux obligations que la loi de la guerre impose; ils sont mes prisonniers, et je demande qu'ils se rendent à bord du Kearsarge pour s'y constituter prisonniers. Dans le cas qu'ils chercheraient à se délier de cette obligation à la faveur des moyens qui ont été employés, dans des cas semblables qui pourraient se présenter ils ne doivent plus attendre aucune clemence.

(Signé) JNO. A. WINSLOW.

M. Bonfils to Captain Winslow, United States Navy.

MONSIEUR: J'ai reçu votre lettre du 21 juin. L'objet de votre réclamation est un de ceux sur lesquels je n'exerce aucun contrôle, et je vous ferai remarquer que votre demande aurait du être addressée au gouvernement français, chez lequel ces malheureux ont trouvé refuge.

Je ne connais aucune loi de la guerre qui empêche un soldat de s'échapper d'un champ de bataille après un revers, lors même qu'il aurait été déjà fait prisonnier, et je ne vois pas pourquoi un marin n'en pourrait pas faire autant à la nage. Je dois refuser d'agir comme votre intermédiaire auprès de certaines personnes que vous ne nommez même pas, et que néanmoins vous réclamez comme étant vos prisonniers.

Je ne puis non plus comprendre comment les autorités des États-Unis peuvent prétendre retenir des prisonniers dans les limites de l'empire français.

Je suis, &c.,
(Signé) BONFILS.

[117] *After the original departure of the Alabama from Liverpool, many communications were from time to time addressed by Mr. Adams to Her Majesty's government, in which he dwelt on the circumstances that the vessel was built in England, and subsequently received her armament from England; that coal and supplies had also been procured for her from England; that many of her crew were British subjects, and that their wages were paid to their wives and families in England, through merchants resident at Liverpool. These circumstances were repeatedly referred to by Mr. Adams; and, in a letter inclosed by him to Earl Russel, dated the 11th January, 1864,[2] and written by Mr. Dudley, they were enumerated as proving that the Alabama ought to be deemed a British ship, and her acts piratical. The law-officers of the Crown were requested to advise the Government whether any proceedings could be taken with reference to the supposed breaches of neutrality alleged by Mr. Adams and Mr. Dudley, and they reported as follows:[3]

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[1] Appendix, vol. i, p. 390.
[2] Ibid., p. 226.
[3] Ibid., p. 235.

Opinion of law-officers.

We are of opinion that no proceedings can at present be taken with reference to any of the matters alleged as breaches of neutrality in the accompanying printed papers.

If the persons alleged to be Englishmen or Irishmen who have been serving on board the Alabama are natural-born British subjects, they are undoubtedly offenders against the foreign-enlistment act. But, not being (so far as it appears) within British jurisdiction, no proceedings can now be taken against them; and it is, under these circumstances, unnecessary to enter into the question of the sufficiency or insufficiency, in other respects, of the evidence against them contained in John Latham's affidavit of the 8th January last. Whether any acts were done within the United Kingdom to induce all or any of these persons to enlist in the confederate service, or to go abroad for that purpose, which would be punishable under the foreign-enlistment act, is a question on which these papers throw little or no light; certainly, they furnish no evidence of any such acts against any persons or person now within British jurisdiction, on which any proceedings could possibly be taken under that statute.

So far as relates to the supply of coals or other provision or stores to the Alabama, and the payments made to relatives of seamen or others serving on board that ship by persons resident in the country, we are not aware of any law by which such acts are prohibited, and therefore no proceedings can be taken against any person on that account.

So far as relates to Mr. Dudley's argument (not now for the first time advanced) that the Alabama is an English piratical craft, it might have been enough to say that Mr. Dudley, while he enumerates almost everything which is immaterial, omits everything that is material, to constitute that character. The character of an English pirate cannot possibly belong to a vessel armed and commissioned as a public ship of war by the Confederate States, and commanded by an officer belonging to the navy of those States, under their authority. Such the Alabama undoubtedly is, and has been, ever since she first hoisted the confederate flag, and received her armament at Terceira. Even by the schedule to John Latham's affidavit, in which he describes the greater part of her petty-officers and seamen (on what evidence we know not) as Englishmen or Irishmen, it appears that twenty out of the twenty-five superior officers (as well as the captain) are not so described; and of these twenty officers one is stated to be the brother-in-law of the President of the Confederate States. It is to be regretted that, in any of the discussions on this subject, so manifest an abuse of language as the application of the term "English piratical craft" to the Alabama should still be permitted to continue.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

SUMMARY.

The Alabama was built at Birkenhead by a ship-building firm which had for a long time carried on a very extensive business. The building of ships of war required for the use of foreign governments, and ordered by such governments directly or through agents, had formed a part of the ordinary business of the firm. It has been alleged that one of the members of the firm was a member of the House of Commons. This allegation, if it were true, would be immaterial; but Her Majesty's government has been informed and believes that it was not true, and that Mr. John Laird, who was member of Parliament for Birkenhead, and had formerly been a partner in the business, had ceased to be so before the building of the Alabama. The vessel appears to have been completed by the builders for delivery in the port of Liverpool, and to have been delivered accordingly; and Her Majesty's government sees no reason to doubt that the building and delivery of the vessel were, so far as the builders were concerned, transactions in the ordinary course [118] *of their business, though they probably knew, and did not disclose, the employment for which she was intended by the person or persons to whose order she had been built.

The general construction of the vessel was such as to make it apparent that she was intended for war and not for commerce.

The attention of Mr. Dudley had been called to this vessel in November, 1861, by his predecessor in office. The attention of Her Britannic Majesty's government was for the first time directed to her by Mr. Adams, in a note received on the 24th June, 1862.

Mr. Adams's communication was referred immediately to the law-officers of the Crown. Inquiries were directed to be forthwith instituted at Liverpool, and such inquiries were instituted and prosecuted accordingly. Mr. Adams was at the same time requested to instruct the United States consul at Liverpool to submit such evidence as he might possess, tending to show that his suspicions as to the destination of the vessel were well founded, to the collector of customs at that port.

In order to enable Her Majesty's government to justify and support a seizure of the vessel, it was necessary that the government should have reasonable evidence, not only that she had been or was being equipped, armed, or fitted out for war, but also that she was so equipped, armed, or fitted out with the intention that she should be used to cruise or commit hostilities against the United States.

Admissible and material evidence, tending to prove the existence of such an unlawful intention, was for the first time obtained by the customs officers at Liverpool on the 21st July, 1862, and came into the possession of Her Majesty's government on the following day. This evidence, however, though admissible and material, was very scanty, consisting in reality of the testimony of one witness, who stated facts within his own knowledge, that of the other deponents being wholly or chiefly hearsay. Further testimony was obtained on the 23d July, and additional evidence on the 25th July.

It was the right and duty of Her Majesty's government to inform its judgment as to the credibility and sufficiency of the evidence obtained as aforesaid, by consulting its official legal advisers. Nor can any reasonable time taken by the advisers of the government for deliberation, especially when additional materials were being daily received and sent to them, be a ground for imputing the want of due diligence to Her Majesty's government. One of Her Majesty's ordinary legal advisers, the Queen's advocate, now deceased, was at that time seriously ill of a malady from which he never recovered, and this was mentioned at the time (on the 31st July, 1862) by Lord Russell to Mr. Adams, as a circumstance which had occasioned some delay.[1]

All the evidence obtained as aforesaid was in fact referred by the government as soon as obtained, with the utmost expedition, to its legal advisers.

The advisers of the government, on the 29th July, reported their opinion that the evidence was sufficient to justify a seizure of the vessel.

On the day on which this opinion was given, and before it could be reported to the government, the Alabama put to sea. She had not been registered, and the application for a clearance, which is usual in the case of ships leaving port, had not been made, and the intention to carry her to sea was concealed by means of an artifice.

The destination of the vessel, and the course which she would take after putting to sea, were entirely unknown, except to the persons immediately concerned in dispatching her. Orders for arresting her were, however, sent by the government to various places at which she might probably touch after leaving Liverpool, and to Nassau.

The Alabama sailed from England wholly unarmed, and with a crew hired to work the ship and not enlisted for the confederate service. She received her armament at a distance of more than a thousand miles from England, and was armed for war, not within the dominions of Her Majesty, but either in Portuguese waters or on the high seas.

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[1] Appendix, vol. i, p. 249.

The guns and ammunition which were put on board of the Alabama off Terceira had been procured and exported from England in an ordinary merchant-steamer, which loaded them as cargo and sailed with a regular clearance for Nassau.

The Alabama was commissioned by the government of the Confederate States, and commanded and officered by American citizens. Of the crew a considerable number were British subjects, who were induced by persuasion and promises of reward to take service in her while she was off Terceira. Others were American citizens, and the proportion which these bore to the rest increased during her cruise.

After having been armed and commissioned as a ship of war of the Confederate States, the Alabama was admitted in that character into ports of all the countries visited by her, among which were several of the colonies of Great Britain. In these she was received on the same footing as elsewhere, without favor or partiality.

No serious endeavor to capture the Alabama appears to have been made on the part *of the Government of the United States. The [119] Tuscarora, which had been summoned by Mr. Adams to an English port in order to intercept her on her departure, failed to do so, apparently through the remissness of the Tuscarora's commander. During the whole cruise, which lasted nearly two years, and until she sailed from the port of Cherbourg to engage the Kearsarge, she was only encountered twice by United States ships; once in the Gulf of Mexico, when she voluntarily provoked an action and sunk her opponent, and a second time when she eluded the pursuit of the San Jacinto, at Martinique.

Her Britannic Majesty's government cannot admit that, in respect of the Alabama, it is justly chargeable with any failure of international duty, for which reparation is due from Great Britain to the United States.

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*PART VII.

STATEMENT OF FACTS RELATIVE TO THE GEORGIA.

PART VII.—The Georgia.

On the 8th April, 1863, Mr. Adams addressed to Earl Russell a note respecting a steam-vessel, built in Dumbarton, in Scotland, and at first known as the Japan, but subsequently as the Georgia.

This vessel had put to sea six days before the date of Mr. Adams's note, and was at that date out of the Queen's dominions. No information whatever relating to her had previously reached Her Majesty's government. Mr. Adams's note was as follows:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 8, 1863.

MY LORD: From information received at this legation, which appears entitled to credit, I am compelled to the painful conclusion that a steam-vessel has just departed from the Clyde with the intent to depredate on the commerce of the people of the United States. She passed there under the name of the Japan, but is since believed to have assumed the name of the Virginia. Her immediate destination is the island of Alderney, where it is supposed she may yet be at this moment. A small steamer called the Alar, belonging to Newhaven, and commanded by Henry P. Maples, has been loaded with a large supply of guns, shells, shot, powder, &c., intended for the equipment of the Virginia, and is either on the way or has arrived there. It is further alleged that a considerable number of British subjects have been enlisted at Liverpool, and sent to serve on board this cruiser.

Should it be yet in the power of Her Majesty's government to institute some inquiry into the nature of these proceedings, in season to establish their character if innocent, or to put a stop to them if criminal, I feel sure that it would be removing a heavy burden of anxiety from the minds of my countrymen in the United States.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

From dispatches addressed by Mr. Adams and Mr. Dudley to their own Government, it appears that the consuls of the United States at Glasgow and Liverpool, and Mr. Adams himself, had for a long time been in possession of information respecting this vessel, and that she had long been an object of suspicion to them. Mr. Adams, on the 9th April, 1863, wrote as follows to Mr. Seward:

Lastly, comes the case of the Japan, *alias* the Virginia. I have been long in the possession of information about the construction and outfit of that vessel on the Clyde. but nothing has ever been furnished to me of a nature to base proceedings upon, Learning, however, that she had gone to the island of Alderney to take her armament there, I made up my mind to send notice of it to the British government, and leave it to them to act in the case as they might think fit.

Mr. Dudley on the 3d April had written as follows to Mr. Seward:

Mr. Underwood, our consul at Glasgow, has no doubt informed you about the steamer now called the Japan, formerly the Virginia, which is about to clear from this port for the East Indies. Some seventy or eighty men, twice the number that would be required for any legitimate voyage, were shipped at Liverpool for this vessel, and sent to Greenock on Monday evening last. They are shipped for a voyage of three years. My belief is that she belongs to the confederates, and is to be converted into a privateer; quite likely to cruise in the East Indies, as Mr. Young, the paymaster from the Alabama, tells me it has always been a favorite idea of Mr. Mallory, the secretary of the confederate navy, to send a privateer in these waters. I sent a man from here to Glasgow to accompany these men, to endeavor to find out the destination of the vessel, &c. He has not been successful yet in his efforts. He has been on board, and writes that she has no armament, and he is still there watching her.

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[1] Appendix, vol. i, p. 399.

No communication respecting this vessel was made to Her Majesty's government until the 8th April, six days after her departure from British waters.

The receipt of Mr. Adams's note of the 8th April was unofficially acknowledged by Mr. Hammond, one of the under-secretaries of state for foreign affairs, as follows:[1]

Mr. Hammond to Mr. Adams.

[Private.] FOREIGN OFFICE, *April* 8, 1863.

MY DEAR SIR: I found your immediate letter on my arrival at the office at 12.45 and as your mail goes, I believe, to-day, you may like to know at once that within [121] half an hour of that time it was sent to the *Home Office, within whose particular jurisdiction are the Channel Islands. A copy will also be sent to the treasury as soon as it can be made.

You shall have an official acknowledgment of your letter as soon as I can get Lord Russell's signature; but he is out of town.

Very faithfully, &c.,
(Signed) E. HAMMOND.

Copies of Mr. Adams's note were, on the same day, sent to the Home Office and the treasury, and those departments were requested to adopt, without delay, the measures most suitable for ascertaining the correctness of the report, and, if it should prove to be well founded, then to take the most effectual measures allowed by law for defeating the alleged attempt to fit out a belligerent vessel from a British port, and for bringing to justice all persons connected with the vessel who might have rendered themselves amenable to the law.

In pursuance of this request, the following letter was addressed by the under-secretary of state for the home department to the lieutenant governor of Guernsey:[2]

Mr. Waddington to Major General Slade.

WHITEHALL, *April* 8, 1863.

SIR: I am directed by Sir George Grey to transmit to you herewith, as received through the Foreign Office, a copy of a letter from the United States minister at this court, respecting a steam-vessel named either the Japan or the Virginia, reported to have left the Clyde for Alderney, where she is to receive on board an armament conveyed to that island by a small steamer, the Alar, belonging to Newhaven, and is to be eventually employed in hostilities against the United States; and I am to request that you will make immediate inquiry into the truth of the allegations contained in that communication.

I have to call your attention to the statute 59 Geo. III, cap. 69. Section 7 appears to be applicable to this case, if the information which has been given to the minister of the United States of America should turn out to be correct. In that case the law-officers of the Crown should be instructed to take, without delay, the proper proceedings authorized by the law of Alderney, to enforce the provisions of the act in question, and the officers of customs may be called upon to assist, if necessary.

Sir George Grey will be glad to be informed of the result of the inquiry, and of any steps that may be taken in consequence.

I have, &c.,
(Signed) H. WADDINGTON.

The lieutenant governor, on receiving these instructions, desired

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[1] Appendix, vol. i, p. 399.

[2] Ibid., p. 401.

Captain de Saumarez, commanding Her Majesty's ship Dasher, to proceed at once to Alderney. It was found, however, that Mr. Adams's information as to the immediate destination of the two vessels mentioned in his note was erroneous.

The commissioners of customs were, on the same day, (8th June,) directed by the lords commissioners of the treasury to instruct their officers at Alderney to co-operate with the lieutenant governor of Guernsey. This order was forthwith executed, and the commissioners wrote to the same effect to their officers at Guernsey. They likewise instructed the collectors of customs at Greenock and Glasgow to report all the information which they might be able to obtain respecting the Japan.

The collector at Greenock reported as follows:[1]

Mr. Hodder to commissioner of customs.

CUSTOM-HOUSE, *Greenock, April* 10, 1863.

HONORABLE SIR: With reference to the board's commands signified by Mr. Gardner's letter of yesterday's date, directing me to report to the board all the particulars I may be enabled to ascertain respecting a vessel called the Japan or Virginia, which it is alleged has recently sailed from the Clyde, to be employed against ships of the United States, I beg to report an iron vessel named the Japan, Thomas Hitchcock master, registered at Liverpool as 427 tons, official No. 45868, was built at Dumbarton, and measured by the measuring officer at Glasgow, came down the river and proceeded to Gareloch Head, to adjust her compasses, and afterward brought up at the Tail of the Bank, where she remained three or four days. This vessel was, on the 31st ultimo, entered outward by Colin S. Caird, for Point de Galle and Hong-Kong, with a crew of forty-eight men. On the 1st instant she shipped the under-mentioned bonded stores, which were sent from Liverpool, viz: 115 gallons of spirits, 32 gallons of wine, 244 pounds of tea, 590 pounds of coffee, 212 pounds of tobacco, 10 pounds cigars, 18 cwt. 3 quarters 2 pounds of sugar, 2 cwt. 2 quarters 8 pounds of molasses, 2 cwt. 1 quarter 5 pounds of raisins, and 1 cwt. 1 quarter 8 pounds of currants; and cleared the same day in ballast for Point de Galle and Hong-Kong.

It appears she left anchorage at the Tail of the Bank early on the morning of the 2d instant, with the ostensible purpose of trying her engines, intending to return, having
on board several joiners who were fitting up her cabins; and I am informed that
[122] after she left this the joiners were employed in *fitting up a magazine on
board, and were subsequently landed on some part of the coast lower down the Clyde.

It is reported that she did not take her final departure until the 6th or 7th instant; but I cannot ascertain where she went after leaving this anchorage.

I have questioned the officer who performs tide surveyor's duty afloat, and who visited her on the evening of the 1st instant, to see that the stores were correct. He informs me he saw nothing on board which could lead him to suspect that she was intended for war purposes. I can testify that she was not heavily sparred; indeed she could not spread more canvas than an ordinary merchant-steamer. I beg to add, when the tide surveyor was on board, the joiners were fitting doors to the cabins.

I am, &c.,
(Signed) J. F. MOORE HODDER,
Collector.

The officer acting for the collector at Glasgow transmitted the subjoined report, made by the measuring surveyor at that port.[2] He added that the Japan had not cleared from Glasgow:

CUSTOM-HOUSE, *Glasgow, April* 10, 1863.

SIR: In compliance with your reference, I beg to report that an iron screw-steamer, called the Japan, was recently built by Messrs. W. Denny, Brothers, at Dumbarton.

I surveyed her on the 17th January last, and visited on two subsequent occasions for the purpose of completing my survey. She appeared to me to be intended for commercial purposes, her frame-work and plating being of the ordinary sizes for vessels of her class.

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[1] Appendix, vol. i, p. 403.

[2] Ibid., p. 404.

I annex a copy of my certificate of survey, which shows the vessel's, tonnage and description, and beg to add that the formulæ and certificate of survey for the Japan were forwarded to Liverpool on the 2d ultimo, with a view to her being registered as a British ship.

Respectfully submitted.

(Signed) M. COSTELLO,
Measuring Surveyor.

FORM No. 1A. Steamer.

Certificate of survey.[1]

Name of ship.	British or foreign built.	Port of intended registry.	How propelled.
"Japan."	British.	Liverpool.	By a screw-propeller.

Number of decks	One and a poop.	Build	Clincher.
Number of masts	Two.	Galleries	None.
Rigged	Brig.	Head	Demi-woman.
Stern	Round.	Frame-work	Iron.

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore part of stem under the bowsprit to the aft side of the head of the stern-post	219	00
Main breadth to outside plank	27	25
Depth in hold from tonnage deck to ceiling at midships	14	75

Name and address of builder—W. Dennys, Brothers, Dumbarton.

TONNAGE.

	No. of tons.
Tonnage under tonnage deck	554.54
Closed-in spaces above the tonnage deck, if any; viz:	
Space or spaces between decks	
Poop	87.67
Round-house	
Other inclosed spaces, if any, naming them—store-room on deck	1.39
Excess of space appropriated to the crew above $\frac{1}{20}$ of the remaining tonnage	6.68
Total	648.28
Deduction for space required for propelling-power as measured	221.03
Register tonnage, (after making deduction for space for propelling-power in steamers)	427.25

Length of engine-room, 54 feet 3 tenths.

Number of engines, two.

Combined power, (estimated horse-power,) number of horses-power, 200 horses.

Name and address of engine-makers, Denny & Co., Dumbarton.

I, the undersigned Martin Costello, measuring surveyor for this port, having surveyed the above-named ship, hereby certify that the above particulars are true, and that the name and port of registry are properly painted on a conspicuous part of her stern in manner directed by the merchant shipping act, 1854.

Dated at Glasgow, the 4th day of February, 1863.

(Signed) M. COSTELLO,
Surveyor.

It appears from these reports that the vessel, when surveyed by the measuring surveyor, presented nothing calculated to excite suspicion; that she had the appearance of being intended for commercial
[123] purposes, her frame-work and plating being such as are *ordinary
in trading-vessels of her class; that she had been regularly entered outwards for Point de Galle and Hong-Kong, with a crew of

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[1] Appendix, vol. i, p. 423.

forty-eight men, and that, on the 1st April, 1863, she had cleared for that destination in ballast.

It subsequently appeared further that she had, on the 20th of March, 1863, been registered as the property of a Mr. Thomas Bold, a merchant residing at Liverpool, on the declaration of Bold that he was the sole owner of her. It also appeared that she had been advertised at the Sailors' Home in Liverpool as about to sail for Singapore; that seamen were hired for her at Liverpool as for a ship bound to that port; and that all her crew so hired signed articles for a voyage to Singapore, or any intermediate port, for a period of two years, and that the men believed that this was the real destination of the ship. She took her crew on board while lying in the Clyde, off the port of Greenock, and on the 2d of April she sailed.

With respect to the Alar, the small steamer stated by Mr. Adams in his note of the 8th to have conveyed men and munitions of war to the Japan, the commissioners of customs had, before the date of that note, received from their collector at Newhaven the following report, which they had forwarded to the treasury:[1]

Mr. Dolan to the commissioners of customs.

CUSTOM-HOUSE, *Newhaven, April* 6, 1863.

HONORABLE SIRS: The steamship Alar, of London, 85 tons, owned by H. P. Maples, sailed on Sunday morning, 5th instant, at 2 a. m., bound according to the ship's papers, viz, the accompanying content, for Alderney and St. Malo. On Saturday, at midnight, thirty men, twenty of whom appeared to be British sailors, ten mechanics, arrived by train. Three gentlemen accompanied them, Mr. Lewis, of Alderney, Mr. Ward, and Mr. Jones. The men appeared to be ignorant of their precise destination; some said they were to get £20 each for the trip. A man, rather lame, superintended them. Shortly after midnight a man arrived from Brighton on horseback, with a telegram, which, for purposes of secrecy, had been sent there and not to Newhaven, it is suspected. Mr. Staniforth, the agent, replied to my inquiries this morning that the Alar had munitions of war on board, and that they were consigned by ——— ———[2] to a Mr. Lewis, of Alderney. His answers were brief, and with reserve, leaving no doubt on my mind nor on the minds of any here that the thirty men and munitions of war are destined for transfer at sea to some second Alabama. The private telegram, to Brighton intimated, very probably, having been reserved for the last hour, where that vessel would be found. Whether the shipment of the men, who all appeared to be British subjects, can, if it should be hereafter proved that they have been transferred to a Federal or confederate vessel, be held as an infringement of the foreign enlistment act, and whether the clearance of the Alar, if hereafter proved to be untrue, can render the master amenable under the customs consolidation act, is for your consideration respectfully submitted.

(Signed) R. J. DOLAN, *Collector.*

No. 7. *Content.*

Port of Newhaven, ——— ———, pilot.

Ship's name and destination.	Tonnage and number of guns.		If British, port of registry; if foreign, the country.	Number of crew.	Name of master.	Number of passengers or troops.
	Tons.	Guns.				
"Alar," Alderney and St. Malo.	85	......	British ship, London.	16	Jos. Back.	....

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[1] Appendix, vol. i, p. 405.

[2] Blank in the original.

Warehoused and transshipment goods.				Drawback and restricted goods.			
Marks.	Numbers.	Number and description of packages.	Remarks.	Marks.	Numbers.	Number and description of packages.	Remarks.

British goods and foreign goods free of duty, and foreign goods not for drawback:

Sundry free goods.

Examined.
(Signed) W. S. FLINT, *Examining Officer.*

G. W. STANIFORTH, *Broker.*
Cleared, dated April 4.

I do declare that the above content is a true account of all goods shipped or intended to be shipped on board the above-named ship, and correct in all other particulars, and that all the requirements of the act 17 and 18 Vict., cap. 104, have been duly complied with.
(Signed) JOS. BACK, *Master.*

Signed and declared, this 4th day of April, before me.
(Signed) W. K. STAVELEY, *Collector.*

[124] *When this report was received no information respecting the vessel then known as the Japan had reached the commissioners of customs or the government, and on this point no information was or could be conveyed in the report, since none was possessed by the collector at Newhaven.

On the 11th April, 1863, the following statement appeared in the second edition of the Times newspaper:[1]

> PLYMOUTH, *Saturday Morning.*
>
> The steamship Alar, Captain Back, of and from Newhaven, for St. Malo, put in here this morning, and landed seventeen men belonging to the steamship Japan, Captain Jones, 600 tons, which left Greenock on the 28th March for a trading voyage in the Chinese seas. On arrival off the coast of France she lay-to for three days, it is supposed to take in more cargo. On the 4th April, at 11 a. m., one of the condensers of the steam-engines, which are about 200 horse-power, exploded, and two firemen in the stokehole were scalded, viz, Alexander McDuff, of Edinburgh, and William Hamilton, of Downpatrick, seriously; they were taken immediately into the captain's cabin, transferred to the Alar on the 9th, and are now in the Devon and Cornwall hospital here. The other fifteen are seamen and firemen, who took advantage of the proximity of the Alar, and are said to have "backed out of the voyage to China." They left by train this morning for Liverpool, Portsmouth, &c. The Japan, which had a complement of eighty men, has proceeded. The Alar had to lay-to in the Channel on Thursday and Friday, in consequence of some trifling damages.

Earl Russell, on observing this statement, gave orders that it should be immediately brought to the notice of the secretary of state for the home department and the lords commissioners of the treasury. Afterward, and on the same day, at 5 p. m., he received from Mr. Adams the following note referring to it:[2]

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[1] Appendix, vol. i, p. 408.

[2] Ibid., p. 401.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 11, 1863.

MY LORD: I have the honor to inclose to your lordship a slip extracted from the London Times of this day, touching the case of the vessel now called the Japan, but named at Greenock lately the Virginia. It is needless to add that the statement therein made of the destination of the vessel is known to me to be false. I have reason to believe that she has not gone. The steamer Alar has already transferred to her one 56-pounder gun and four smaller ones, and is expected to return to her.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Copies of this note were immediately sent to the home department and the treasury, with a request that it should receive immediate attention, and that those departments would take such steps as might be legally in their power to prevent a violation of the law.

On the same evening, at 7.40 p. m., orders were sent by telegraph to the collector of customs at Plymouth to make inquiry about the Alar; and at 11.40. p. m. an answer was received from him to the effect that she had arrived there that morning and that the collector had taken the master's statement, and had forwarded it to the board of customs.

The statement so forwarded, and the collector's letter inclosing it, were as follows:[1]

Mr. Browne to the commissioners of customs.

CUSTOM-HOUSE, *Plymouth, April* 11, 1863.

HONORABLE SIRS: I beg to submit, for your honors' information, the inclosed statement of the master of the steamer Alar, of London, to which he has affixed his signature. He states that his vessel is a regular trader between Newhaven and the Channel Islands.

Respectfully, &c.,
(Signed) N. E. BROWNE.

Statement of Mr. Back, master of the screw-steamer Alar.

I cleared from Newhaven on the 4th April for Alderney and St. Malo, in ballast, and sailed from thence on Sunday the 5th, having on board about thirty passengers, of whom about six were in the cabin, and a quantity of packages, which I supposed contained provisions and passengers' baggage. Before leaving, a principal party was pointed out to me by the owner of my ship, and I was informed by him that the provisions belonged to this party, and that I was to obey his instructions.

On Sunday, about 3 p. m., my engine broke down, owing to the bursting of the feed-pipe, and I was compelled to rake out fires, and blow off steam; the engineer repaired damage, and after about seven or eight hours' delay I proceeded on [125] my voyage. Broke down again on Monday morning, from *some cause, and proceeded, after repairs and similar delay. Laying-to on Tuesday afternoon and night, weather very thick, and blowing from westward.

On Wednesday, about 11 a. m., saw a steamship a long way off to the westward, with signal flying, but I know not what colors. The passenger beforementioned asked me to bear down to the ship, which I did; but before reaching her, my engine broke down again, when the steamer came up to me, and took my vessel in tow. The steamer towed me toward the coast of France, in order that I might get shelter to effect repairs. She towed me for about an hour, then the rope parted; and in coming back to fetch me again, the tow-rope got foul of the large steamer's propeller, and caused her to fall down upon us, damaging our stanchions, and carrying away our bowsprit.

The passenger before mentioned then asked me to transfer the provisions and baggage to the large steamer, which was done, by about twenty of the passengers, who also went on board the steamer, where they remained. I was then asked by a person in authority on board the large steamer, if I would take two men who had been badly scalded to any port where there was an hospital, which I consented to do, and they, with about nine or ten others, and the person who had spoken to me about the sick men, came on board my vessel; and I at once proceeded for the first English port I could make that had an hospital.

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[1] Appendix, vol. i, p. 408.

parted with the large steamer on Thursday afternoon. On the afternoon of Friday we again broke down, and were delayed about the same time as before. About 2 a. m., on Saturday the 11th, we sighted the Eddystone, and bore up for Plymouth, which we reached about 4.30 a. m., when we landed the person we had taken with us from Newhaven—the person who spoke to us on board the steamer—about one dozen men, including the men from the steamer, and the two sick men for the hospital. I heard the large steamer was called the Japan, but I did not see her name on her stern, as I had enough to do to attend to my own ship.

(Signed) J. F. BACK, *Master of the Alar.*

CUSTOM-HOUSE, *Plymouth, April* 11, 1863.

(Signed) N. E. BROWNE, *Collector.*

On the 16th April, Earl Russell received from Mr. Adams a note inclosing two depositions purporting to be made by seamen who had shipped in the Japan at Greenock, as part of her crew, and had since returned to Liverpool. The note and copies of depositions were as follows:[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 15, 1863.

MY LORD: I have the honor to transmit copies of two depositions of British subjects, who appear to have been solicited to engage in the unlawful expedition of the Japan, *alias* the Virginia, against the commerce of the United States. I append a list of the officers and men, subjects of Great Britain, shipped at the Sailors' Home in Liverpool, a large part of whom have been induced to join the piratical expedition. Likewise a list of the men who refused to enlist, left the Virginia, and returned to Liverpool.

It is not without great pain that I feel it my duty to point out to your lordship these transactions at Liverpool, and the extent to which, if not in some way prevented, they are calculated to give rise to complaints in the United States of the violations of neutrality deliberately committed by Her Majesty's subjects in the port of Liverpool.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

Deposition of Edward Thompson.

Edward Thompson, of No. 18 Denison street, in Liverpool, makes oath and says: I am an able seaman, and served for five years in a man-of-war, on Her Majesty's ship Neptune and others. I was shipped from Liverpool to Greenock to join the steamer Japan, as I was told, bound on a voyage to Singapore. She was advertised in Sailors' Home as bound for this port. I belong to the royal naval reserve. We sailed from Greenock on the 2d day of April instant. Captain Hitchcock was in command. We sailed first down towards the Isle of Man. We then tacked and went north through the North Channel and down the west coast of Ireland, passed Cape Clear, and steered east up the Channel. Ushant Light was the first light we sighted; went toward St. Malo. We then put her to the westward, and dodged at slow steam all night. We fell in with the Alar steamer just off Morleux; we were not more than three or four miles from land at the time. When the Alar saw us she hoisted a flag for a pilot; after she got her pilot on she hoisted a flag of distress. We had taken her in tow before the pilot reached us. We floated about until night, then got the Alar alongside, and commenced to discharge the cargo into the Japan. We were three nights engaged in discharging the cargo; we did nothing in the day-time. She brought to us guns, shot, shell, rockets, ammunition, rifles, cutlasses, and all sorts of implements of war. I counted nine Whitworth guns to be mounted on the decks. I may be mistaken about the maker's name. I only know they were breech-loading guns. I understood there was one large pivot-gun on board when we left Greenock. I left the vessel on Friday last in the steamer Alar. After we got all the cargo discharged from the Alar into the Japan, at 4 o'clock on Friday afternoon, while we were off Brest, about two miles from land, the new captain that came to us in the Alar, having dressed himself in regimentals, in a blue uniform with a star in the epaulettes, had all hands piped aft by the boatswain. He then directed the lieutenant to read the articles, and then said, "We are not bound for Singapore; we are going to sail under the confederate flag, the [126] same as the *Alabama, to sink, burn, and destroy vessels belonging to the United States. All of you who wish to join, I will give £10 in cash as soon as you sign the articles, and you who do not wish to join can go back in the Alar. Those who join shall also have £1 per month extra." The captain told us her name was to be the Virginia, and this was the name mentioned in the articles which we were required to sign. They had the confederate flag on board at the time laid down on the floor of the cabin, but it was not hoisted. The articles were for three years, or during the war with the United States. During the night, while we were discharging the cargo from one vessel to the other, we were at anchor very close into the land; not more than half a mile from the land, opposite a magazine which lies a quarter of a mile from Ushant light. We went to this place, or very near there, every night. After reading the articles, the men who refused to sign asked about their wages. They were told that Captain Hitchcock would settle this after we arrived at Liverpool. I saw Mr. Hitchcock yesterday at Jones & Co.'s office, No. 28 Chapel street, Liverpool. This house of Jones & Co. acted as agents for shipping the men. One of their clerks was at the steamer which took us around from Liverpool to Greenock. They signed all the shipping notes; at least, they were all made payable there at Jones & Co.'s offices, and they have paid them since. They paid me my shipping note yesterday at their office in Liverpool. There were ten sailors lately belonging to the British navy from Portsmouth, who came out in the Alar, but refused to join the vessel. They received £2 apiece from Captain Hitchcock not to say anything about the matter. This was paid them while we were returning to Plymouth. Mr. Jones, one of the firm in Chapel street, Liverpool, who came out to us in the Alar, was present at the time when the money was paid, and ordered Captain Hitchcock to pay it to the men. Mr. Jones seeemed to [take] charge of everything. The report was that she, the Virginia, was to go to Madeira. She had not more than five days' coal when we left her. She is an iron vessel, very slightly built, with a full poop as far as the after scuttle-hole to fire-room and top-gallant forecastle. Three masts, square rigged forward; fore and aft, main and mizzen. She has one funnel between the fore and main mast; a house over engine-room, with a donkey-engine in it. The Alar is a British steamer hailing from London. When she came out to meet the Japan, or Virginia as she is called, she sailed from Newhaven.

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[1] Appendix, vol. i, p. 412.

(Signed) EDWARD THOMPSON.

Sworn before me at Liverpool this 14th day of April, 1863.

(Signed) J. PEARSON,
A Commissioner to Administer Oaths in Chancery in England.

Deposition of Thomas Mahon.

Thomas Mahon, residing at No. 8 Court, Gore Street, Toxteth Park, Liverpool, being sworn, says:

I am a native of Liverpool, and am a laborer. On or about the 27th day of March last past, hearing that a steamer was wanting men for Singapore, I went to the Sailors' Home in Liverpool, and was introduced to a man as the captain. I don't remember his name at present; I believe it is Hitchcock. He is in Liverpool now. He told me he was captain of the Japan. He said he wanted firemen and trimmers, and the next day, the 27th, I went with him to the shipping-office, and there signed articles for steamer Japan for Singapore, or any intermediate port, for two years. Captain Hitchcock engaged me, and witnessed my signing. I was to have £3 10*s.* per month. About fifty men in all signed in the same way. When we had signed, we were told to take our clothes to Jones & Co.'s, No. 28 Chapel street, and would then receive an advance note for a month's pay. I took my clothes there, and received a note for £3 10*s.*, payable ten days after the ship sailed from Greenock. At Jones & Co.'s we were told by the Captain Hitchcock to meet at the Glasgow boat at 5 o'clock on Monday afternoon at the dock. We went as ordered, and our clothes were brought down, and our fares were paid by a clerk from Jones & Co. We sailed the same evening in the Heron, about fifty in all. We arrived at Greenock about 3 or 4 the next afternoon, and a tug came alongside and took us off the Heron and put us on board the screw-steamer Japan, lying in the river opposite Greenock. Captain Hitchcock came off in the tug and took us on board. He went on board with us; he gave us our orders. I had shipped as coal-trimmer, and believed she was an English steamer, and going to Singapore. She had then the English ensign flying. Captain Hitchcock remained on board and exercised command. We remained at Greenock till Wednesday. On Thursday, about 6 in the morning, when we got under weigh, the pilot said we were going on a trial trip. On the Wednesday night the revenue officers came on board, after the stores came on board, and put seals on the stores. The stores came off in a steamer and a lighter. They consisted of large quantities of spirits, clothing, blankets, beds, knives and forks, tins, and the like. I did not see any other government officers visit the ship. We sailed out, I believe, on the Thursday morning, as we supposed on the trial trip, and steered toward sea. In the afternoon we returned to the light-house down the Clyde and stopped, but did not anchor. A tug came to us there with some more men and provisions from Greenock, and as soon as we had taken them on board we started down again and steered right to sea. The pilot left us next morning off Castletown, Isle of

Man. Captain Hitchcock had command of the vessel. About two days after we made land, as I was told, on the coast of France, and we kept beating about there for several days. We wondered why, but did not ascertain the reason.

On Monday, the 6th, an English screw-steamer, the Alar, of London, came to us and spoke us. We were so near the coast of France that a shot could be fired ashore. Captain Hitchcock told the Alar to go under the island. The Alar soon after made a signal as if she was broke down, and the Japan took her in tow. We towed her awhile and the hawser broke. She then steamed away herself, and we soon after spoke a French pilot-boat and we took a pilot on board, as did also the Alar. The Alar sailed away into a small bay and we followed, and came to an anchor near the shore, no further off than I could have thrown a stone. The Alar then made fast alongside, and that night a very large case of guns and a quantity of ammunition in small cases were taken on board the Japan from the Alar. The next morning both vessels sailed [127] out and we went out to sea, and the Alar into another bay. In *the afternoon we joined the Alar in the other bay, and took on board the rest of her cargo, consisting of guns and ammunition. Men in the mean time were engaged making the fittings for the guns. The same afternoon a tall man they called Lamont or Dupont came on board from the Alar and took charge of the Japan. He came on deck in uniform and called all the men aft. He told us she was no more to be called the Japan, but the Virginia, confederate war-steamer. He produced articles; and reading them to the effect that there would be discipline same as the Alabama or any other under the confederate flag, he said he was going to burn and destroy all North American vessels, and told us we should have £10 bounty to sign for three years under the confederate flag. One of the men asked about prize-money, and he said we should have the same as the Alabama; that any man who had a family could have half-pay. Eight of us went into the cabin to see what he would do with us if we would not ship. He said Mr. Jones would pay our fare through to Liverpool, and anything else that we required when we came ashore. Mr. Jones was sitting at the table where they were paying the bounty and signing the articles, and said it would be all right. We and a number of others, in all about twenty-four, refused to join, and the same night we were taken to the Alar and both vessels left the bay. The next morning the Alar took the pilot from the Japan and landed him and her own about where we had picked them up. I was below when she took the pilot off, and did not see the Japan after leaving her in the bay. I heard the order given to hoist the confederate flag. Captain Hitchcock, Mr. Jones, and the chief and second mates came from her with us. We were landed at Plymouth on Saturday morning, and received from Captain Hitchcock a sovereign each to pay our way to Liverpool, and the same day came in to Liverpool in the steamer.

(Signed) THOMAS MAHON.

Sworn the 14th day of April, 1863, before me.

(Signed) WM. RATHBONE,
A Magistrate for the County of Lancaster.

Mr. Adams also inclosed the two lists mentioned in his note. In the "list of officers and men," the only officers mentioned were the master, first mate, second mate, store-keeper, and boatswain. All of these, except the boatswain, were stated to have returned in the Alar, together with many others of the original crew of the Japan.

On the same 16th April, 1863, Earl Russell received from Her Britannic Majesty's consul at Brest a report, dated the 13th April, which was as follows:[1]

Consul Sir A. Perrier to Earl Russell.

BREST, *April* 13, 1863.

MY LORD: I have the honor to report to your lordship that I have received the following letter from Conquet:

"CONQUET, *April* 10, 1863.

"SIR: I have the honor to inform you that on the 7th of this month two English vessels, a brig and a steam schooner, were seen in the Fromveur, (a passage between Ushant and the mainland,) with a signal for a pilot. Piton and Marec, pilots of Molène, went on board. The names given to them were, Japan of Liverpool, for the brig, and Alar of London, for the schooner, which was bound from Emzic to Liverpool with a general cargo. This vessel having sprung a leak, had requested the brig to stay by until all danger was over. After beating about all day they anchored in Bertheaume Bay, about 6 in the evening, where they tried to transship part of the cargo from the schooner to the brig, but a heavy surf prevented their doing so. The pilots offered to bring the vessels into Brest, which was refused. Next morning, the 8th, they got under weigh at about 6 in the morning, went through Conquet Channel, and anchored in Stiff Bay, under Ushant, where the transshipment was effected that evening. They then sailed for Liverpool."

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[1] Appendix, vol. i, p. 416.

I called upon the vice-admiral, commander-in-chief, to know if he had received any account of this affair from Conquet. He replied that he had not yet received the official report, but that he had been informed of all that I had stated, and also that the schooner had struck on a rock in Stiff Bay, and that the cries of her crew had been heard at the light-house on Ushant. Suspecting that this transshipment might be of war contraband goods for America, he has demanded a full report from the commissary of marine at Conquet, and will communicate it to me.

I have, &c.,
(Signed) ANTHY: PERRIER.

A somewhat more detailed statement of the incidents described in the foregoing report has been recently furnished to Her Majesty's government by Her Majesty's consul at Brest. This statement is as follows:[1]

Consul Clipperton to Earl Granville.

BREST, *September* 9, 1871.

MY LORD: I have the honor to acknowledge the receipt of a dispatch from the Foreign Office marked separate, and dated 31st August last, instructing me to [128] report to your lordship all the information I * can obtain respecting the equipment of the confederate cruiser Georgia, then known as the Japan or Virginia, off Morlaix, and the visit of that vessel to Brest between the 4th and 9th of April, 1863, and to forward with my report a small map or chart of the coast, explanatory of the proceedings which took place within or contiguous to the limits of French jurisdiction.

In reply, I beg most respectfully to inform your lordship that at Morlaix nothing is known of the confederate cruiser Georgia, either under the name of Japan or Virginia, but the matter appears to have transpired near to Conquet, marked (A) on the accompanying chart, and was as follows:

On the 9th April morning, 1863, two English vessels, a brig and a steam-schooner, were seen in the Fromveur Channel between Ushant and the mainland, (B,) making signals for a pilot. Two pilots of Molène, named Piton and Marec, went on board. They were told that the vessels were the brig Japan of Liverpool, and schooner Alar of London, bound for Liverpool, with a general cargo.

The Alar was represented to have sprung a leak, and had requested the brig to stand by her to render assistance if required. At about 6 in the evening of the same day the two vessels anchored in Bertheaume Bay, (C,) and efforts were made unsuccessfully, owing to a heavy surf, to transship part of the cargo from the schooner to the brig. The pilots proposed to take the vessels into Brest, but were refused. The two vessels got under way at 6 a. m. of the following day, the 8th, passed through the Conquet Channel, and anchored in Stiff Bay, (D,) under Ushant, where the transshipment was effected, and that same evening they sailed for Liverpool.

The official reports made to the admiral of the port at Brest by the French naval agent at Ushant, and the custom-house officer at Conquet, state that the schooner was sighted before the brig, and that both were seen hovering about for two or three days; they were both seen close alongside of each other, the schooner apparently discharging, or trying to discharge, cargo into the brig. After anchoring in Stiff Bay the transshipment was actively carried on until between 7 and 8 in the evening, at about which hour the brig went to sea.

At about 10 o'clock of the same night cries and noise of putting out boats were heard at the light-house, as if proceeding from the schooner. It is supposed that the schooner foundered, and that the boats went out to sea, as nothing further was ever heard of either vessel or crew.

I beg further to inform your lordship that two steam-vessels were constructed and partly fitted out at Nantes, during the war in America, for the Confederate States. On my return to my post I shall be in a position to forward all the information connected with them, should your lordship consider it expedient for me to do so.

I have, &c.,
(Signed) ROBT. CHAS. CLIPPERTON.

The places called Conquet and Bertheaume Bay, and mentioned in the two preceding reports, are on the coast of France, in the department of Finistère. The Baie du Stiff, or Stiff Bay, is on the coast of the French island of Ouessant, or Ushant.

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[1] Appendix, vol. i, p. 416.

From the statements contained in the preceding depositions and reports, it appears that the vessel afterward called the Georgia sailed from Greenock under the name of the Japan, as a merchant-vessel, on a trading voyage to the East Indies, and that until she arrived off the coast of France her crew were not aware that this was not her true character and destination; that she was armed for war in French waters; and that she there took on board her commander and officers, who then and there enlisted a crew.

With reference to Mr. Adams's note of the 15th April, 1863, the following letter was on the 21st April addressed to him by Earl Russell:

Earl Russell to Mr. Adams.[1]

FOREIGN OFFICE, *April* 21, 1863.

SIR: I stated to you in my letter of the 16th instant, that your letter of the previous day, respecting the case of the Japan, otherwise the Virginia, had been referred to the proper departments of Her Majesty's government, but I will not delay informing you that Her Majesty's government have received from the authorities at Glasgow and at Greenock reports, from which it appears that that vessel was constantly visited while she was in course of construction, and that the surveys seemed to show that she was intended for commercial purposes, and that her frame-work and plating were of the ordinary sizes for vessels of her class.

She was entered on the 31st ultimo, as for Point de Galle and Hong Kong, with a crew of forty-eight men. She shipped on the 1st instant the bonded stores stated in the margin,[2] and she cleared on the same day in ballast for Point de Galle and Hong Kong.

Her Majesty's government are further informed that the Japan left the anchorage early on the morning of the 2d instant, with the ostensible purpose of trying her engines, intending to return, having on board several joiners, who were fitting up her cabins. These men, who are said to have been employed at a later time in fitting up a magazine, were subsequently landed on some part of the coast lower down the Clyde.

The custom-house officer who visited the Japan on the evening of the 1st instant to see that her stores were correct, reports that he saw nothing on board which [129] could lead him to suspect that she was *intended for war purposes. Her Majesty's government are further informed that she was not heavily sparred, and that she could not spread more canvas than an ordinary merchant-steamer.

I am, &c.,
(Signed) RUSSELL.

On the question whether persons who had joined the vessel, or who had induced others to join her, could be prosecuted as offenders against British law, the law-officers, on the 30th April, 1863, advised as follows:[3]

In our opinion it is not competent to Her Majesty's government at present to take any steps in the matter to which Mr. Adams's dispatch of the 15th April refers.

So far as relates to British seamen who have accepted the proposal made to them in French waters to engage in the belligerent service of the Confederate States, we think that they have offended against the 2d section of the foreign-enlistment act, and will be liable to be proceeded against for a misdemeanor if they should be found within British jurisdiction; the first part of that section (which applies to the persons entering into such engagements) being in the form of an absolute prohibition, applicable generally to British subjects, without reference to the place where the act prohibited may be done. But, inasmuch as these seamen are not at present within British jurisdiction, no steps can now be taken for their prosecution.

With respect to the seamen who have returned to this country, it seems clear that their conduct has been laudable, and not criminal. They were induced, by false and fraudulent representations, to enter into engagements at Liverpool for a perfectly lawful voyage, and afterward, when apprised of the deception which had been practiced upon them, and invited to enter an engagement of a different character, they refused to do so.

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[1] Appendix, vol. i, p. 418.

[2] One hundred and fifteen gallons spirits, 32 gallons wine, 244 pounds tea, 159 pounds coffee, 212 pounds tobacco, 10 pounds cigars, 18 cwt. 3 quarters 2 pounds of sugar, 2 cwt. 2 quarters 8 pounds molasses, 2 cwt. 1 quarter 5 pounds raisins, 1 cwt. 1 quarter 8 pounds currants.

[3] Appendix, vol. i, p. 419.

With respect to Captain Hitchcock, and any other persons who may have been instrumental in inducing the crew of the Japan to take service in her before her departure from this country, it is clear that (howsoever censurable their conduct may have been) they did nothing contrary to the foreign-enlistment act; for it was not until the ship was in French waters that any proposal appears to have been made to any of the men to enter into the belligerent service of the confederate government, and the latter part of the 1st section of the foreign-enlistment act (which applies to the case of persons "hiring, retaining, engaging, or procuring" others to enter into the belligerent service of a foreign state) is expressly limited to acts done with the territorial jurisdiction of the British Crown.

On the 8th July, 1863, Earl Russell received from Mr. Adams a note, in which, referring to the Georgia, and stating (as the fact was) that his former representations concerning that vessel had unhappily been made too late for Her Majesty's government to interpose effectively, he called Earl Russell's attention to the circumstance that she had been, and until recently was, registered in the name of a British subject. The portion of the note in which reference was made to this matter was as follows:

Mr. Adams to Earl Russell.[1]

[Extract.]

JULY 7, 1863.

It is with great regret that I feel myself once more compelled to call your lordship's attention to the circumstances attending the outfit of the steamer called the Japan. It now appears that that vessel was, at the time of her escape, and has continued until very lately to be, the property of a British subject residing in Liverpool. That person is Thomas Bold, a member of the commercial house of Jones & Co. I have information which leads me to believe that only within a few days has Mr. Bold notified the collector of customs at Liverpool of his sale of this vessel to foreign owners, and requested the register to be canceled. That act was not completed until the 23d of June last. It would appear from these facts, should they prove to be true, that this vessel has remained the property of a British subject during a considerable time in which she has been engaged in committing extensive ravages upon the commerce of a nation with which Her Majesty is at peace. The fact of the outfit of that vessel for hostile purposes has already occupied the attention of your lordship, in consequence of former representations, unhappily made too late for effective interposition. But the circumstances of the retention of the ownership by a British subject for so long a period after she was known to be engaged in hostilities against the United States, is of too grave a character to justify me in omitting to call your lordship's particular attention to it, in advance of the possibility of receiving instructions respecting it.

On inquiry it appeared that the certificate of registry of the steamer Japan, which had on the 20th March been issued to Bold by the collector of customs at Liverpool, had on the 23d June, 1863, been delivered up by Bold to the collector, with the following letter:[2]

[130] * *Mr. Bold to Mr. Edwards.*

LIVERPOOL, *June* 23, 1863.

SIR: I beg to hand you the certificate of registry of the screw-steamer Japan, official No. 45868, port No. 93, as I have conveyed the vessel to an alien.

I am, &c.,
(Signed) THOMAS BOLD.

The circumstance that Bold's name had, on his own declaration, been entered on the register-book as the owner of the vessel, and had continued to be so registered till the 23d June, did not render him responsible for acts done during the interval by the persons who had the actual possession and control of her, unless it could be proved that he was himself a party to such acts, of which there was no evidence. Nor could he have been prosecuted under the foreign-enlistment act for participating in an unlawful equipment of the ship, on proof merely that he was the registered owner, and without any evidence to show that he had been actually concerned in so equipping her within Her Majesty's dominions. Of this again there was no evidence. No proceedings, therefore, were or could have been taken against Bold. From a dispatch addressed by the United States consul at Liverpool to Mr. Seward, dated 7th August, 1863, it appears that the consul had in the preceding July consulted the legal adviser who had been employed by him in the matter of the Alabama (Mr. Squarey) on this subject, and Mr. Squarey advised as follows:[1]

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[1] Appendix, vol. i, p. 419.

[2] Ibid., p. 421.

Mr. Squarey to Mr. Dudley.

[Extract.]

10 WATER STREET, 1863.

It does not appear to me the engagement of the crew can be treated as an offense against the act, because the only legal contract binding upon the crew was that appearing upon the articles. The men were not liable to do anything except what they had agreed to do by the articles; and from the statements of the men whom I saw, it did not appear that they knew when they shipped that it was expected or intended that they should serve on board a man-of-war or privateer. As regards the liability of the British registered owner to make good to the owners of the American vessel destroyed the loss sustained by them, I conceive it must depend upon the question whether those in command of the vessel at the time can be considered to have been the agents of the British owner. If they were such agents, and there was any evidence to show that the destruction of the American ship could be considered as an act within the scope of their authority, I have no doubt that the owners would be liable; but it appears to me that the circumstances to which I have previously referred go very far to rebut the presumption that such agency existed, and to prove that in destroying the American vessel the officers and crew were acting not for the British owner, but for the government of the so-called Confederate States. In such case I do not think that any liability could be established against the British owner, for it is now well established that the mere fact of being on the register of the ship does not involve liability for the acts or engagements of the master and crew, and that such liability is in fact a question depending upon express or implied agency in every case.

Although, therefore, I do not see how a British owner is to be made liable, there is, in my opinion, a case which justifies the American Government in bringing the matter before the notice of the British government, and requiring explanations from that government of the circumstances under which a British vessel is found to be engaged in the destruction of vessels belonging to American citizens.

With reference to this part of the subject, it may be here stated that, in the month of January, 1864, a prosecution was commenced by the direction of Her Majesty's government against two persons, named Jones and Highatt, (who were admitted to be partners with Bold in the business of ship-store dealers and ship-chandlers, though not in that of ship-owners,) for having, within the Queen's dominions, hired and procured men to engage in the service of the Confederate States, by enlisting on board the Georgia. The case came on for trial at the Liverpool assizes in August, 1864, and the defendants were found guilty and sentenced to pay a fine. No evidence could be produced on the part of the prosecution to show that the men who shipped on board the vessel at Greenock had at that time, or when they were originally hired, any intention to enter the confederate service, although there was evidence that the defendants hired them with the intention of afterward inducing them to enlist in that service.

The Japan, after having been armed, was commissioned as a public ship of war of the Confederate States, under the command of a Lieutenant Maury, formerly an officer in the Navy of the United States, and under the name of the Georgia, by which name she was afterward known.

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[1] Appendix, vol. i, p. 427.

[131] *In May, 1863, she was admitted into the harbor of Bahia, and coaled there; on the 16th August she arrived at Simon's Bay, in the colony of the Cape of Good Hope, and was allowed to repair and coal; and in October, 1863, she is believed to have touched at Teneriffe and coaled at that place. On or about the 28th October, 1863, she arrived in the roadstead of Cherbourg, and was shortly afterward admitted into the dock-yard for repairs. She was admitted as a man-of-war, on the order of the minister of marine, and her repairs (which were not extensive) were made by the dock-yard workmen, and are stated to have been paid for at the usual rate of work done on ships of war, which is less than the rate charged for the work done on merchant ships. She remained at Cherbourg during nearly four months. On the 25th March, 1864, she arrived at Pauillac, the boarding station of Bordeaux, and was reported as in want of repairs for her steam-machinery and of provisions. She was allowed to keep her gunpowder on board, on condition of mooring at Lormont, an anchorage a little distance below Bordeaux. Her machinery having been surveyed and certified to require a fortnight for its repair, she was given that time to remain at Lormont. She remained at anchor, however, until the 28th of April.[1]

While the Georgia was at Cherbourg, the Florida being at the same time in the harbor of Brest, it was ascertained that some seamen had been induced to go from Liverpool to France in order to join those vessels. Four of these men were identified, upon inquiry made by order of Her Majesty's government, as belonging to the royal naval reserve, and they were forthwith discharged from the force. One Campbell, a keeper of a sailors' boarding-house at Liverpool, was found to have been concerned in inducing them to go, and was prosecuted and brought to trial and pleaded guilty. It was deemed sufficient by the judge to exact security against a repetition of the offense, by requiring him to enter into recognizances in the sum of £150 to appear for judgment when called upon.

On the 2d May, 1864, the Georgia came into the port of Liverpool. Very soon after her arrival there, her crew were discharged, her warlike stores were lodged in warehouses, (where they remained until after she left Liverpool, as hereinafter mentioned,) and the vessel herself was removed to a dock at Birkenhead, dismantled, and offered for sale by public advertisement in the following terms:

> For sale, the splendid screw-steamer Georgia, about 750 tons, builder's measurement; built by Messrs. Denny, of Dumbarton, 1863; has engines of 200 horse-power; speed, 12 knots; carries a large cargo; is abundantly found in stores, and ready for immediate employment. For specification and further particulars, apply to Curry, Kellock & Co.

The reason given for selling her was that she was deficient in strength and speed, and was, by her construction, unsuitable for a cruiser.

Directions had been given, shortly after her arrival, that, if not *bona fide* sold, she should be ordered to leave the port as soon as she had received necessary repairs.

With respect to the manner in which these directions should be enforced, and the power to enfore them, the law-officers of the Crown were consulted, and advised as follows:[2]

Opinion of the attorney and solicitor general.

> If the Georgia is still (as has been hitherto assumed) a public ship of war of a belligerent power, she is, while within Her Majesty's dominions, exempt from all civil and municipal jurisdiction, and it is not, therefore, upon any civil or municipal law of this realm that Her Majesty's government can act, if they should find it necessary to take

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[1] Appendix, vol. i, p. 442.

[2] Ibid., p. 456.

any compulsory measures with respect to her; nor will the execution of those measures belong to the commissioners of the customs, or to any other civil authority.

By the universal law of nations, and by the prerogative right of regulating the intercourse between this country and the public ships of war of a foreign government, which belongs to Her Majesty in right of her Crown, it is competent for Her Majesty to prohibit the entrance of any foreign public ship of war into Her Majesty's territory, except under such conditions as she may think proper from time to time to impose; and if any such prohibition is not duly obeyed, it is, in our opinion, perfectly within the competency of Her Majesty to enforce its observance by her military or naval officers, and by the use of force, if necessary.

If the Georgia has ceased to be a public ship of war of the Confederate States, and has been sold to and become the private property of any of Her Majesty's sub- [132] jects, the case is different. Under these *circumstances, Her Majesty's orders would no longer be applicable to this ship; and of course, no forcible or other means could be used for the purpose of compelling their observance in a case to which they would not apply. The Georgia, after such a sale, would be exactly in the same situation as the Gibraltar (formerly called the Sumter) was last year; she would be governed by the ordinary municipal law of this country, like any other private ship, the property of British subjects.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

LINCOLN'S INN, *May* 23, 1864.

The vessel was sold to Mr. Edward Bates, a ship-owner carrying on a very extensive business at Liverpool.

Mr. Adams, on being informed of the sale, wrote to Earl Russell, stating that, on behalf of his Government, he must decline to recognize the validity of it, and must claim the right to capture the vessel wherever she might be found on the high seas.

On the 27th July he again wrote to Earl Russell, suggesting that there was reason to suspect that the sale was fictitious, and the vessel intended to be again employed in the confederate service.

To this letter Earl Russell replied as follows: [1]

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 8, 1864.

SIR: With reference to my letter of the 28th ultimo, I have the honor to state to you that Her Majesty's government do not see sufficient grounds for coming to the conclusion upon the statements contained in your letter of the 27th ultimo, that the steamer Georgia is about to be again used for belligerent purposes. With a view, however, to prevent the recurrence of any question such as that which has arisen in the case of the Georgia, Her Majesty's government have given directions that, in future, no ship of war of either belligerent shall be allowed to be brought to any of Her Majesty's ports for the purpose of being dismantled or sold.

I am, &c.,
(Signed) RUSSELL.

The directions mentioned in the above letter were issued accordingly, and were notified in the London Gazette as follows:

Extract from the London Gazette of September 8, 1864.

FOREIGN OFFICE, *September* 8, 1864.

It is hereby notified that Her Majesty has been pleased to order, that for the future no ship of war belonging to either of the belligerent powers of North America shall be allowed to enter, or to remain, or be, in any of Her Majesty's ports for the purpose of being dismantled or sold; and Her Majesty has been pleased to give directions to the commissioners of Her Majesty's customs and to the governors of Her Majesty's colonies and foreign possessions to see that this order is properly carried into effect.

On the 8th August, 1863, the Georgia, being then registered in the name of the said Edward Bates, sailed from Liverpool for Lisbon. Off Lisbon, and while on the high seas, she was captured by the United States war-steamer Niagara, and was sent to Boston for adjudication.

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[1] Appendix, vol. i, p. 459.

Mr. Bates, her owner, thereupon wrote to Earl Russell as follows, complaining of the seizure of his ship:

Mr. Bates to Earl Russell.[1]

LIVERPOOL, *August* 27, 1864.

MY LORD: I beg to call your lordship's attention to a very serious outrage which has been committed upon me by the United States man-of-war Niagara, in having forcibly seized and sent to the United States my screw-steamer Georgia.

This vessel was, in the month of May last, lying in the Birkenhead dock, and was offered for sale by public advertisement by the well-known ship-brokers, Messrs. Curry, Kellock & Co., of this town.

I had her examined, and, thinking her a suitable vessel, I entertained an intention to purchase her. I knew she was the property of the confederate government, and thereupon, before completing a purchase, I communicated with the custom-house authorities at Liverpool, in order to ascertain whether the authorities would grant me a British register, without which I should not have bought her.

The customs authorities took some time to consider, and during all this period [133] the advertisement *continued in the public papers, and I have no doubt that this public announcement was seen and well known to the American consul at this port.

Eventually I was informed that a British register would be granted to me if I bought her. I concluded a purchase of her, and paid for her on the 13th June last. The purchase-money I paid to Messrs. Curry, Kellock & Co., and received a bill of sale signed by James D. Bullock. This document I presented at the custom-house, where I made the usual declaration of ownership, and the ship was thereupon duly registered in my name.

During the whole of this period she was in a public dock open to the inspection of the public, and where I dismantled her and proceeded to alter and repair her. All this time I did not receive any intimation from either my government or from the American consul or other authorities that my purchase was invalid.

In July I received overtures from Messrs. Bennett, of London, through Messrs. Meacock, of Liverpool, as brokers for the Portuguese consul in London, for a charter of the Georgia on time to the Portuguese government. I eventually accepted this charter, and then proceeded to fit her up in accordance therewith as a mail and passenger boat.

While she was thus being fitted up the Niagara visited the Mersey. The vessel was still open to inspection, and I have reason to believe that the officers of that vessel did inspect her, but no intimation was made to me of the intention to seize my property as soon as she should get into open waters.

So secure did I feel in the possession of my property, that, although the consul general for Portugal conveyed to me his feeling of apprehension of the Niagara, I scouted the idea as something unworthy of credence, and on the 8th August she sailed from the Queen's dock in Liverpool for Lisbon, there to run in the service of the Portuguese government, from that place to the coast of Africa and back, with mails, goods, and passengers. On the completion of this service the Portuguese government covenanted and agreed to deliver my ship to me in the port of Liverpool.

Your lordship may therefore conceive the astonishment and indignation with which I received the intelligence on my return to Liverpool of the vessel having been seized off Lisbon by the United States steamer Niagara and sent to Boston.

I am well known in Liverpool as an extensive ship-owner.

I have no connection with the confederate government or their agents, and never have had, directly or indirectly.

I bought the vessel for the purposes of my own business, on an arrangement with the custom-house authorities that I should receive for her a British register, and in the belief that a British register would protect my property from the outrage which has been practiced upon me.

I respectfully submit these facts to your lordship's consideration, and trust that Her Majesty's government will forthwith take such steps as they may deem necessary in order to procure for me a restitution of my ship and compensation for the injury I have sustained.

I have, &c.,
(Signed) EDWARD BATES.

Mr. Bates was informed in reply that the question must go before a prize-court in the United States, and that he must be prepared to defend his interest therein. The view entertained of the case by Her

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[1] Appendix, vol. i, p. 464.

Majesty's government was afterward more fully explained to him in the following letter:[1]

Mr. Hammond to Mr. Bates.

FOREIGN OFFICE, *September* 19, 1864.

SIR: I acquainted you shortly, by Lord Russell's direction, in my letter of the 9th instant, that the case of the Georgia must go before the prize-court in the United States, and that you must be prepared to defend your interest therein.

I am now further to acquaint you, in reply to your letter of the 27th ultimo, that, having consulted the law-officers of the Crown, Lord Russell desires me to state to you that the Niagara, in capturing the Georgia and sending her into a prize-court for adjudication, which it is to be assumed will be the course she will pursue, has not exceeded the limits of her belligerent rights.

If the Georgia had formerly belonged to the mercantile marine of the Confederate States, and been the property of a private subject of the Confederate States, the United States cruiser would have been justified in seizing her upon the high seas, and in taking her into a prize-court for the purpose of submitting to proper judicial investigation the question whether the transfer of an enemy's vessel to a neutral *flagrante bello* had been *bona fide*, and executed in the manner and in the circumstances which international law requires. But it is a fact beyond the reach of controversy or denial that the Georgia had formed, till a very recent period, part of the confederate navy. The belligerent, therefore, had, *a fortiori*, the right to seize her and endeavor to obtain her condemnation in a prize-court. That court will have to determine, not only the question whether the transfer of the Georgia to a neutral owner was real, and accompanied by an entire extinction of all the interests and rights of the former hostile owner, but the much graver preliminary question whether (as against the right of capture of the other belligerent) a ship of war can be lawfully transferred by a belligerent *flagrante bello* in a neutral port to a neutral, with whatever publicity and however completely the transfer may have been actually made, and whatever alterations the structure, equipment, or employment of the vessel so *de facto* transferred may have undergone while in the possession of the neutral.

[134] *Lord Russell is further advised that the officers of the custom-house at Liverpool, in granting to this vessel, upon the production of proper documents, a British register, merely acted in conformity with the municipal laws of this country, which neither undertakes to assist and facilitate, nor pretends upon the high seas to overrule or supersede the right of maritime capture belonging to a belligerent under the law of nations as administered in prize-courts; and that it was certainly no part of the duty of Her Majesty's government to inform a private individual who might entertain the idea of purchasing this vessel of any risk which he might incur by so doing. Nor is Lord Russell aware of any obligation imposed by international law and comity upon the representatives or agents of the United States in this country, or upon the officers of the Niagara when at Liverpool, to give any notice or intimation whatever that the Niagara or any other cruiser of the United States might still consider the vessel a proper subject of capture, whether transferred or not to a neutral, and under whatever register or flag she might sail.

I am to add that the application contained in your letter of the 10th instant for documents in the case is now under consideration, and that an answer will be returned to you as soon as possible.

I am, &c.,
(Signed) E. HAMMOND.

SUMMARY.

The Georgia was a vessel built at Dumbarton, in Scotland, and sent to sea from the port of Greenock. For whom she was built and by whom and under what circumstances she was sent to sea are matters as to which Her Majesty's government has no information beyond what has appeared in the foregoing statement.

The Georgia neither appeared to be nor was, up to the time when she sailed from the port of Greenock, fitted out, armed, or equipped for war, nor especially adapted to warlike use. She appeared to be constructed and intended for a ship of commerce. She proved, in fact, to be not fitted for employment as a cruiser, and for this reason she was dismantled and sold after having been at sea for about nine months altogether, exclusive of the time during which she remained in the harbors of Cherbourg and Bordeaux.

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[1] Appendix, vol. i, p. 468.

She was registered under the name of the Japan, in the name of a Liverpool merchant, and was entered outward and cleared in the customary way for a port of destination in the East Indies. She was advertised at the Sailors' Home, in Liverpool, as about to sail for Singapore, and her crew were hired for a voyage to Singapore or some intermediate port, and for a period of two years. The men when they were hired believed this to be the true destination of the ship, and her voyage to be a commercial one, and they appear to have continued under this belief until after the vessel had arrived off the coast of France.

She was armed and equipped for war in the waters of France; she there took on board her commander and officers, and her crew were enlisted there; the crew who had shipped at Greenock having been released from their agreement and provided with the means of returning if they chose to do so.

Her officers and armament appear to have been conveyed to the French coast, or its immediate vicinity, in a steamer which had cleared from Newhaven in ballast for Alderney and St. Malo, and which was stated to be a regular trader between Newhaven and the Channel Islands. The master of the steamer stated that the persons whom she conveyed were taken on board as passengers.

Her Britannic Majesty's government had no reasonable grounds to believe that the vessel was intended to cruise or carry on war against the United States until after she had departed from the waters of Great Britain and arrived in the waters of France. The Government had indeed no knowledge or information whatever about her previous to the receipt by Earl Russell of Mr. Adams's note of 8th April, 1863.

Information about the construction and outfit of the vessel had for a long time before her departure been in the possession of Mr. Adams; and Mr. Dudley, who was (as it was his duty to be) in constant communication with Mr. Adams, knew of the hiring of seamen for her and had her examined by a man sent on board by him for that purpose. The information possessed by Mr. Adams was not, however, in his opinion, such that proceedings could be founded upon it; and no communication was made by him to Her Majesty's government on the subject until six days after the ship had sailed. At that time Mr. Adams had received further information (which proved to be erroneous) that the vessel was to receive her armament at Alderney, within the Queen's dominions, and he then made up his mind to send notice of it to the British government, and leave it to them to act in the case as they may think fit. The vessel did not go to Alderney, and Mr. Adams's communication was (in his own words) "too late for effective interposition."

[135] *The Georgia, after having been armed for war in French waters, was commanded by an officer commissioned as such by the government of the Confederate States. Her officers were, as Her Majesty's government believes, Americans belonging to those States. Of the composition of her crew, Her Majesty's government knows nothing, except that it appears to have consisted, in part at any rate, of British subjects, who were induced by the persuasion and promises of her commander to take service in her while she was in French waters.

The Georgia was received as a ship of war of the Confederate States in the neutral ports visited by her, particularly in those of Brazil and France. On the same footing, and in the same manner, without favor or partiality, she was received in a port of the colony of the Cape of Good Hope, and in a port within the United Kingdom.

After having been disarmed, dismantled, and sold in a British port, the Georgia was captured at sea by a United States cruiser, as having been a ship of the Confederate States, and incapable of being transferred, during the war, to a British subject. Her Britannic Majesty's government, while it saw no reason to doubt that the sale had been *bona fide*, did not dispute the right of the United States to capture the vessel for the purpose of submitting the validity of the transfer to the judgment of a prize court.

During the cruise of the Georgia, which lasted (as stated above) about nine months, exclusive of the period of her stay in the harbor of Cherbourg, no serious endeavor to intercept or capture her appears to have been made on the part of the Government of the United States.

Her Britannic Majesty's government cannot admit that, in respect of the Georgia, it is justly chargeable with any failure of international duty, for which Great Britain owes reparation to the United States.

[136] *PART VIII.

STATEMENT OF FACTS RELATIVE TO THE SHENANDOAH.

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PART VIII.—The Shenandoah.

On the 12th November, 1864, Earl Russell received from Her Britannic Majesty's consul at Teneriffe a report dated the 30th October, 1864, from which it appeared that a vessel bearing the name of the Sea King, from London, had shortly before that date arrived in the vicinity of the Madeira Islands; that she had there received on board guns and a small number of men from a British steamer called the Laurel; had been taken possession of by a person claiming to be her commanding officer in the name of the Confederate States, and had hoisted the confederate flag. This report was as follows:[1]

Consul Grattan to Earl Russell.

TENERIFFE, *October* 30, 1864.

MY LORD: I have the honor to inform your lordship that the British steam-vessel Laurel, (47819,) of the port of Glasgow, bound from Liverpool to Nassau, arrived here on the 21st instant for the purpose of coaling.

The master, J. F. Ramsay, on presenting himself at this office, stated that he wished to land forty-three passengers, who were to proceed to England by the next Liverpool steamer, and that these persons were the master and crew of the British steamer Sea King, (official No. 48547,) of London, which vessel had been wrecked off the Desertas. The Laurel continued her voyage on the 22d instant. The master, on getting up steam, and not before, landed the above-mentioned seamen.

The master of the Sea King, P. S. Corbett, did not call at this office, as is usual in such cases, either for the purpose of making a protest or to claim assistance. Therefore, on the 25th instant, I sent to desire his attendance, and demanded the certificate of registry of his vessel, in pursuance of instructions contained in No. 13 Paragraph of the Board of Trade Instructions. On handing in his certificate he informed me that his vessel had not been wrecked, but that she had been sold in London, and delivered to her owners on the high seas; and that himself and his crew had landed here for the purpose of returning to England as passengers in the West Coast of Africa mail-steamer, due at this port on the 31st instant.

The discrepancy between the statements of the two masters led me to seek for furthur information respecting this matter, and the substance of the declaration I have obtained from George Kelly, Edward Everall, John Ellison, (Royal Naval Volunteers, 18536,) and John Hircus, all seamen belonging to the crew of the steam-vessel Sea King, is as follows:

"The Laurel sailed from Liverpool bound to Nassau with 24 supposed officers and 17 seamen, besides her own crew, 45 to 60 shells, about five tons of gunpowder, and various other munitions of war; she proceeded to Madeira, where she took about 300 tons of coals. The Sea King sailed from London on the 7th instant, and also proceeded to the offing of Funchal Roads. Both vessels then steamed to a place off the Desertas, where the sea was smooth, and the officers and men, arms, and munitions of war were transshipped from the Laurel to the Sea King on the 20th instant. The cases of arms were at once opened, and the seamen armed themselves with cutlasses and revolvers. One of the officers then took command of the vessel in the name of the government of the so-called Confederate States of America. Some of the crew of the Laurel joined the Sea King; the remainder of her intended crew are to be sent out from England."

The 42 men now here, in charge of the former master of the Sea King, awaiting a passage to England, refused to join the confederate vessel, though as much as £17 per man was offered them as bounty.

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[1] Appendix, vol. i, p. 477.

In consequence of having become aware that a serious offense against British law has been committed on board a British ship, I have thought it my duty to take the depositions, upon oath, of four of the seamen of the Sea King, which I have the honor to forward to the Board of Trade, according to instructions.

These depositions, in my opinion, contain evidence sufficient to substantiate a charge against the master, P. S. Corbett, of an infringement of the foreign-enlistment act; I therefore, pursuant to paragraph 127 of the Consular Instructions, deem it proper to send the offender in safe custody to England, in order that cognizance of the offense may be taken.

I am satisfied that the 42 seamen now here are about to proceed to England by the West Coast of Africa mail-steamer, which leaves this port for England on this day.

I have, &c.,

(Signed,) HENRY C. GRATTAN.

[137] Inclosed in the above report were depositions on oath made by several seamen, of * whom two belonged to the Royal Naval Reserve, and all had refused to take service on board of the Sea King when she was declared to be a confederate ship of war; and also a statement signed by the master of the Sea King.

These depositions were as follows:[1]

Deposition of John Ellison, R. N. V., 18,536.

I signed as quartermaster in the Sea King on or about the 8th of October, 1864; proceeded to sea; after several days we came off Madeira; on the same night a steamer went into the port of Madeira; on the following morning the Sea King went into the bay, and signalized to the steamers that were lying there, and after two hours the Laurel came out to sea, and signalized to the Sea King, and was answered by hoisting No. 3 pendant, which I hoisted myself. I was ordered by one of the passengers to hoist this pendant; the captain was on the poop at the time, and, turning round, said to me these words, "Who ordered that pendant to be hoisted? Haul it down immediately;" which I did. After this flag was hauled down—about three-quarters of an hour afterward—the Laurel anchored off what I believe to be the Desertas; the Sea King anchored within about 30 yards of her. The captain of the Laurel was on the forecastle; our captain said, "I will come alongside of you directly," and he did so. In the mean time the men were erecting tackles, rigging purchases to the port main yard-arm, and preventer lifts and rolling tackle ready. After this, commenced to take in large heavy cases from the Laurel, I think four or five, by means of other purchases. Small cases and casks of powder were taken in forward; all lights ordered to be put out. These orders were given by some of the passengers of the Laurel, who had embarked on board the Sea King, and not by our captain. One of these passengers told us that he was the captain, and had charge of the ship, and ordered our captain to hoist the confederate flag, which was done. Shortly after, our captain gave orders for all hands to lay aft; when the men were aft, our captain came out of the saloon with our articles in his hand, and said, "Well, men, I have sold the ship." Immediately, the captain that had charge came out alongside of him. Captain Corbett said to us, "This gentleman is offering £4 for able seamen." I was standing close to the captain at the time, and I said to him, "I agreed with you in London to go to Bombay, which I have my naval certificate to prove." I told him, "You have broken your agreement; why are we not proceeding to Bombay?" He said, "Well, men, I cannot help it;" and, buttoning up his coat, he said, "Follow me, (and ran to the gangway;) I am off." I said, "Let him go; this is the ship we have earned our money in, and ought to have it out of." After he had gone, one of the passengers said to me, "Why cannot you go in this ship? it is good money." I said "I had never earned a shilling in America in my life, and therefore I did not wish to fight for it; that England was my country, and I was not ashamed to own it." He said, "Why?" I said, "You do not know where I belong to; do you see this on my cap?" I had the naval reserve cap on at the time. "If I were to desert from this you could not place any confidence in me; you may try, but it is of no use, I have got the wrong heart in me for this, so you have no need to try me any more." I said to Captain Corbett, "I stop in the ship till I get my money down on the capstan-head." He said, "Men, I have no money to pay you." I said, "You have sold the ship; what have you done with the money?" He said, "I have no money to pay you here;" he said I talked too much. I said, "I will see you when I get to England." The other royal naval volunteer on board the Sea King told me that Captain Corbett had offered him between £15 and £20 bounty, and about £10 per month, as near as I can recollect; he refused this, and in about half an hour all the men went, without being paid, on board the Laurel. The Laurel went to reconnoiter a ship which hove in sight, and came back and signalized that she was a Hamburg vessel. The Laurel laid off about an hour and a half, trying to persuade us to join the Sea King, captain Corbett doing his uttermost to this end. When he found it no use they hoisted the boats and proceeded to Teneriffe, where we arrived on 20th, at night, and were not allowed to land until the 22d. When the steam was up, ready to depart, the chief officer came forward to the men of the Sea King and said, "If anybody asks you where you came from, say you are castaway seamen, and tell the consul the same, if required."

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[1] Appendix, vol. i, p. 478.

(Signed) JOHN ELLISON.

This deposition was made before me, and read over to the deponent.

(Signed) HENRY C. GRATTAN, *Consul.*

TENERIFFE, *October* 29, 1864.

Deposition of John Allen, R. N. V., 950.

I shipped in the Sea King for a voyage to Bombay and China; voyage not to exceed two years. After we got clear of the Channel we stopped the steam and proceeded under double-reefed topsails, dodging along for about three days, as far as I can recollect, looking for something. We then made sail and carried on until we came to the island of Madeira, ran in past it at night, then rounded the vessel to, and stood out again till 4 the next morning; then got steam up and stood in for the harbor again. When we got abreast of the harbor we hoisted our number, which was answered by the Laurel steamboat lying at anchor. Directly altered the ship's head outward, and stood away from the harbor. Then we were followed by the Laurel steamer, which got under weigh directly we signalized her; then we laxed our steam until she came up to us; she then signalized to us when she was going. Immediately we set full steam on and made all sail. We ran for about two hours and a half, when the steamer rounded an island, and we followed her, taking in all sail; and going up under easy steam, brought the ship to an anchor in 17 fathoms. A boat from the little steamer came alongside of us, with the captain in her, and told our captain that he would be alongside of him in a few minutes. Then we commenced to secure our main- [138] yard and get a pendant from the mast-head, and got the tackle hooked *on all ready for taking some heavy weight on board. Then the Laurel came alongside us, and we commenced slinging the cases until about 9 o'clock, likewise cases of powder, which was carried to the after cabin and stowed away; likewise large cases of shell and shot; also cases of rifles, and a great many cases of clothing. About 9 o'clock we went to our suppers. Went to work again about half past 9, and continued working till about 2 in the morning taking in kegs of powder; all lights ordered to be put out. They gave us a glass of grog and let us go to bed about 2 o'clock next morning. We were not asked to turn to work. After breakfast the hands were all to come aft. When we were all mustered aft, Captain Corbett waited for the person who proved to be the captain, and took charge of the ship. Then he addressed us in this manner: "Men, I have sold the ship; you who like to stop in her, you will get very good wages, and I will give you two months' pay." The men refused to do so. The new captain spoke to the men and told them he would give them two months' advance, £7 per month, and £10 bounty if any of them would join him. The third engineer and two or three of the firemen joined him. The new captain came to me while I was on the poop, it being my watch, and tried all he could to persuade me to go with him; offered me £14 a month to go as gunner's mate, which I told him plainly I dare not do, as I belonged to the English navy already, and I dare not go into any other. When they found they could not persuade me, they went to Captain Corbett to try if he could not advise me to do so. As I came off the poop, as all hands were standing round the cabin door to see the captain, the captain, Captain Corbett, came out of the cabin and called me in, and told me I was very foolish to lose such a good chance. I told him I would not go for double the amount. He said when he went home he would not report me, nor let it be known where I was, if I would go, and I thanked him, and told him I would go home and report myself, and walked out of the cabin. The captain came on deck and the men asked him to give them three months' wages before they would leave the ship, which he refused to do. He said, there is the steamboat, and you can come along with me. He told us he would take us to England and discharge us, and if the law would allow us anything, he would give it to us. Seeing it was no use hanging on any longer, we put our things on board the steamboat and waited for the captain; as soon as he came on board the steamer shoved off, got her steam up, and at this time a sail hove in sight, and the captain lowered his boat and went on board the Sea King. Again pulled back as quick as he could, and put to sea, till he made out what the vessel was, and then stood back for the Sea King again to let her know it was all right. We hovered off and on till about 5 or 6 in the evening, as the captain could not get any of us to join. Some of the little steamer's hands went.

Turned away and made our passage towards Teneriffe. On arriving there were not allowed to land until the Laurel was ready for sea with her steam up.

The above has been read over to me, and is correct and true.

(Signed) JOHN his + mark ALLEN.

This deposition was made before me.

(Signed) HENRY C. GRATTAN, *Consul.*

TENERIFFE, *October* 29, 1864.

Deposition of Thomas Everall.

I signed as ordinary seaman in the Sea King, on or about the 8th of October; sailed from London, suppose to be going on a voyage to Bombay, &c., voyage not to exceed two years. When the vessel left there were two persons on board not belonging to the crew; one of these persons went ashore at Deal, the other proceeded on the voyage with us. About ten days after leaving London we hove to before the island of Madeira, after having been dodging about all night. We signaled to some vessel inside the harbor, and soon after a steamer came out; we accompanied her to an island about 50 miles from Madeira. As soon as we had let go our anchor the other vessel came alongside of us, and we began to tranship guns and ammunition into the Sea King. We worked till late, and when we had done the mate came into the forecastle and told us that the Sea King was sold to the confederate government for a privateer, and if we liked to join we should get £4 10*s.* a month, two months' wages from the Sea King, two months' advance from the Shenandoah, (the name given to the Sea King,) and £10 bounty. The next morning, after we had finished the transshipment, Captain Corbett called the hands aft and corroborated the mate's statement, further saying that if we did not like to join he would give us two months' wages and pay our passage to England. We would not agree to this, so he said we must go in the steamer alongside, and we said we would settle it when we got to England. The new captain of the Sea King then offered us £6 per month and £15 bounty; then afterward raised his offers to £7 per month and £16 bounty, but only two lads joined. We then took our clothes on board the Laurel, and we left the Shenandoah in the evening; she hoisted the confederate flag. The passenger who went out with us was the first lieutenant. We arrived at Teneriffe next Thursday, and landed the Saturday following, and have since been living at the captain's expense, waiting for the mail-boat to take us home.

The above has been read over to me, and is correct and true.

(Signed) THOMAS EVERALL.

This deposition was made before me.

(Signed) HENRY C. GRATTAN, *Consul.*

TENERIFFE, *October* 29, 1864.

Deposition of George Kelly.

The Sea King sailed from London on the above voyage; as soon as she got clear of the Channel the steam was taken off, and some of the sails put her under easy canvas. We said, "There is something strange, or the captain would be more anxious to proceed on his voyage." We had one passenger on board who was afterward said to be the first lieutenant. The sail-maker was making a few hammocks for some of the men forward, and this passenger gave him orders to make twelve; from this we [139] supposed *this person was not a passenger. On Monday night or afternoon came off Madeira and dodged off and on until Tuesday morning, then the captain gave orders to the engineer to put on full steam till he got outside the town. He hoisted signals; they were answered by a steamboat that was lying in-shore; then we kept off again for a couple of hours. The steamer which signalized us came out, and both steamers hoisted signals. We made all steam and sail toward the lee of an island; we anchored there, and the other steamer came alongside of us. The boatswain ordered us to secure the mainyard with a topsail sheet, and to put tackles for taking in three tons weight. We took in some heavy cases, and also four cases of shot and shell, which we knew to be such, as some tumbled about the decks. There were some gun-carriages in cases and some without; the cases containing the gun-carriages were partly open. Several bales of clothing and beds were transshipped. The captain came to us, and told us he had sold the ship; that the captain who now had the ship would give us £4 10*s.* a month and £10 bounty, and he himself would give us two months' wages if we would join the ship. He then raised his terms to £6 and £7, £16 bounty. We refused to go in her. One engineer, a boy, and an ordinary seaman stopped, I believe. The captain told us to go on board the Laurel; that he would pay our passage home. We went on board. We received no wages. We dodged off and on. The confederate flag was hoisted after we left the ship. We then came down to Teneriffe.

The above has been read over to me, and is correct and true.

(Signed) GEORGE his + mark KELLY.

This deposition was made before me.
(Signed) HENRY C. GRATTAN, *Consul.*

The master's statement was as follows:[1]

Statement of the circumstances under which the British vessel Sea King, official No. 48547, *of London, has been sold by Mr. P. S. Corbett, the master thereof.*

The above vessel left London on the 19th of October, 1864, bound to Bombay, calling at port or ports on the passage. The cargo consisted of coals and provisions for the voyage. There were no munitions of war whatever on board. I held a certificate of sale from the owner. On the 19th of October I sold the said ship, receiving the amount agreed upon as per bill of sale. I am not aware that by the said sale I in any way infringed the foreign-enlistment act.

(Signed) P. S. CORBETT.

This statement was made before me.
(Signed) HENRY C. GRATTAN, *Consul.*
TENERIFFE, *October* 29, 1864.

The law-officers of the Crown were forthwith requested to advise the government as to the course which should be taken in relation to the facts stated in the above report.

On the 14th November, 1864, the law-officers reported their opinion as follows:[2]

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *November* 14, 1864.

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 12th instant, stating that he was directed by your lordship to transmit to us a copy of a dispatch received on the 12th instant from Her Majesty's consul at Teneriffe, reporting the circumstances under which a number of men had been landed at that port from the British steamer Laurel, and the part taken by that vessel in the equipment at sea of the British steamer Sea King as a vessel of war for the government of the so-called Confederate States. That Mr. Consul Grattan states that he had taken the depositions on oath of four of the seamen of the Sea King, who were landed from the Laurel, and that he had deemed it proper to send Captain Corbett to England in safe custody to answer a charge of having infringed the foreign-enlistment act.

That your lordship had ascertained that the depositions had not yet reached the Board of Trade, and that your lordship was unable therefore, at present, to submit them for our consideration; and Mr. Layard was directed, however, to send us at once the consul's dispatch, as well as a copy of a telegram received at the Board of Trade, announcing the arrival of twenty-two of the men at Liverpool, and to request that we would take these papers into consideration, and furnish your lordship with our advice as to the course which should be adopted by Her Majesty's government in this matter.

We are also honored with Mr. Layard's letter of this day's date, forwarding the depositions in the case of the Sea King.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That we think the depositions taken at Teneriffe, and forwarded to Her Majesty's government by Mr. Consul Grattan, do not support the conclusion arrived at by the consul, that Captain Corbett (whom we understand to have been in command of the Sea King until she was handed over to certain agents of the Confederate States off Desertas) is chargeable with any offense against the foreign-enlistment act. To constitute an offense under the seventh (the equipment) clause of that act, there must have been an equipment, &c., with a view to employment in the belligerent
[140] service of a foreign *power, within some part of the United Kingdom, or of
Her Majesty's dominions beyond the seas. In like manner, to constitute an offense (by a person not himself enlisting, &c.) under the second section such person must have been concerned within the United Kingdom, or in some part of Her Majesty's dominions elsewhere, in inducing or procuring others to enlist, &c., or to go, or to agree to go, or embark for some part of Her Majesty's dominions for the purpose or

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[1] Appendix, vol. i, p. 481.

[2] Ibid., p. 482.

with intent to be enlisted, &c.; and to constitute an offense under the sixth section, the master or other person in command of a ship or vessel in some part of the United Kingdom, or of Her Majesty's dominions beyond the seas, must knowingly and willingly have taken, or engaged to take, on board persons who had enlisted, or had agreed, &c., to enlist, &c., or who were departing from Her Majesty's dominions for the purpose and with the intent of enlisting, &c.

In every one of these cases the criminal act must have been committed within some part of "Her Majesty's dominions," a word which, as here used, does not, in our opinion, include a British ship on the high seas. But all the facts mentioned in these depositions appear to have taken place upon the high seas, beyond the limits of Her Majesty's territory. It is, indeed, not improbable that in the preparation of the Sea King for her voyage (if she went to sea under Captain Corbett's command from any port in this country) an offense against the seventh section of the act may have been committed. It is also possible that the officers and men, or some of them, may have been hired and taken on board in this country with a view to employment in the confederate service, so as to constitute offenses against the second and sixth sections, or one of them. But there is no evidence to support either of these conclusions in the depositions taken at Teneriffe by Consul Grattan.

All, therefore, that we can now advise your lordship to do is to direct that the twenty-two men, or some of them, who have just landed at Liverpool, be immediately examined by the solicitor to the treasury, or some person deputed by him, and their evidence reported to us; and that the solicitor be directed to obtain such other information as may be accessible in this country with respect to the previous history of the Sea King, the nature and circumstances of her equipment, the engagements of her crew, and the persons concerned therein, if there should be reason to believe that she sailed from this country with the view of being employed as a ship of war in the confederate service.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

The lords commissioners of the treasury were requested to give immediate directions to their solicitor, in conformity with the concluding paragraph of the law-officers' report.

On the 19th November, 1864, Earl Russell received from Mr. Adams a note,[1] submitting for Earl Russell's consideration a copy of a letter from Mr. Dudley relating to the Sea King, together with copies of two depositions made by seamen who had shipped on board of that vessel in the port of London, and who had returned to England from Teneriffe in the mail steamer Calabar.

These depositions, though containing some statements which were clearly erroneous, confirmed, in general, the truth of those sent to the Foreign Office by Consul Grattan.

With reference to the original hiring, one of the deponents, John Hercus, deposed as follows:[2]

> On or about the 25th of September last past, I and John Wilson, a ship's carpenter, were looking for a ship in London, and went on board the steamship Sea King, lying in the East India dock, and spoke to the chief mate. He pointed out the captain, whose name, we were informed, was Corbett, and we spoke to him about going on the ship. He asked us if we were single men, and said he wanted all single men if he could get them. He told me that the ship would be ready in ten days or a fortnight, and if I liked to wait he would give me the chance. He asked the carpenter if he could come to work at once, and he agreed to do so, and went to work the next morning. On or about the 5th of October I went to the Sailors' Home, and there signed articles as able seaman at £2 10s. a month for a voyage to Bombay, thence to any port or ports in the Indian Ocean, or China Seas, Japan, or Australian Colonies, Pacific or Atlantic Oceans, and back to a port in the United Kingdom, voyage not to exceed two years. I received a note for a month's advance, which I got cashed at Isabella Calder's, No. 6 Bird street, East London.
>
> On Friday, the 7th of October, I took my clothes on board, when we were told she was not going until Saturday morning, the 8th.

The other deponent, who was the John Wilson referred to in Hercus's statement, deposed to a like effect as to both the terms and the mode of hiring.

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[1] Appendix, vol. i, p. 484.

[2] Ibid., p. 486.

With reference to the persuasions used in order to induce the men to enlist in the service of the Confederate States, the said John Wilson deposed as follows:[1]

> After we had finished taking in the things from the Laurel, the mate came and called all hands aft, and said the captain wanted to see us. We all went and gathered round the cabin-doors, and Captain Corbett came out and said, "Well, men, [141] I have sold the ship to the confederates; she is to *belong to their navy, to be a cruiser, to burn and destroy merchant-vessels and whalers in particular. She is not to fight, but merely to take prizes, and there will be a first-rate chance for any of you young men who will stop by the vessel, and I should advise you all to do it." The general reply made by the men was that we did not want anything to do with her. The new captain then came out of the cabin and asked if we would not join. He was dressed in a gray uniform. Captain Corbett introduced the man when he came out as the American officer who was to have the command of the ship, but did not mention his name; said he would pay the seamen £4 per month, and £10 bounty. One of the engineers, one of the firemen, and two of the seamen consented to join, and took the bounty and signed the articles. The officer in uniform, when he came out to us, announced that the Sea King was now the Shenandoah of the confederate navy. Liquor had been served among the men during the time we were making the transfer in profusion. Some were under its influence. It was brought round twice after we got through, and offered to the men. They made great efforts to induce the men to join. They raised the wages to £7 and £15 bounty for able seamen. They offered me £15 a month and £15 bounty. I declined to accept it, or to stop with them on any terms. A bucket of sovereigns was brought out on the deck to tempt the men to join. A portion of the crew of the Laurel joined. The person whom Captain Corbett introduced to us as the commander of the Shenandoah came out on the Laurel; there were a number of others who also came out on the Laurel; I should say about forty. We left them on board the Shenandoah. Some were acting as officers. One of them, pointing at the commander, who was standing on the deck, said he was Captain Semmes.

Hercus deposed to the same effect. Describing the inducements offered to the men, he said:[2]

> I said I should not join, but four others said they would. One was a fireman, one an engineer, and two were ordinary seamen. They were under the influence of liquor, which had been supplied freely to all who would take it since we commenced taking in the guns. When they found us unwilling to go the wages and bounty were increased, until we were offered £7 a month, and £16 bounty, and to sign the articles for six months. A bucket containing sovereigns was brought on deck, and the officers took up handfuls to tempt the men on deck. The four who consented to go went into the cabin, and I afterward saw one of them with twenty-eight sovereigns in his hand.

He added:

> When the American officers who came from the Laurel to the Sea King were trying to persuade us to go in her, they said, "You had better go in the Shenandoah," (which the Sea King was to be called.) They promised us the best of living, and said that the best of the provisions would be taken out of the prizes, and all that were then aboard which were no good would be thrown overboard.

It was stated by the deponents that the officers who had gone out in the Sea King, including the captain, returned in the Calabar to England. The only exception was one of the engineers. The statement that Captain Semmes was on board of the Sea King was erroneous.

The copies of depositions sent by Mr. Adams were immediately laid before the law-officers of the Crown, who, on the 1st December, 1864, advised thereon as follows:[3]

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *December* 1, 1864.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 19th ultimo, stating that, with reference to our report of the 15th November, he was directed by your lordship to transmit to us a letter from Mr. Adams, inclosing copies of the depositions of two men who lately formed part of the crew of the Sea King, and to request that we would take these papers into our consideration, and favor your lordship with such observations as we might have to offer thereupon.

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[1] Appendix, vol. i, p. 488.
[2] Ibid., p. 487.
[3] Ibid., p. 490.

Mr. Hammond was also pleased to state that we should observe from the accompanying draught of a letter to the treasury that the lords commissioners have been requested to instruct their solicitor to take the depositions, and to proceed in this case in other respects in the manner recommended in our report; and that a dispatch of Mr. Consul Grattan was also inclosed.

In obedience to your lordship's commands we have taken these papers into our consideration, and have the honor to report—

That, in our opinion, the depositions now forwarded by Mr. Adams are sufficient to prove that Captain Corbett did in this country engage and procure the deponents to serve as sailors on board the Sea King, which ship, from the whole of the evidence in the case, we infer to have been then a vessel intended by him to be used (after she should have been taken to the Azores) in the confederate service. These facts raise questions similar to those which were involved in the cases of the seamen on board the Georgia and Rappahannock, except that none of these particular deponents accepted the confederate service when the true object of the voyage was disclosed to them. Those questions, upon the construction of the act, are not free from difficulty; but in some of the other cases convictions have been obtained and submitted to; and we think that, even if there were no other point arising upon his acts when he handed over the [142] ship to her confederate commander, it would be proper, upon this evidence, *that Captain Corbett should be prosecuted for a violation of the second section of the act, by procuring, or attempting to procure these men, and others unknown, to serve and be employed, &c., or to go and embark from Liverpool for the purpose, or with intent to serve or to be employed, &c., contrary to that section.

We further think, on more deliberate consideration, that if the Sea King ought to be deemed (as, *prima facie,* we think she may be) to have been still a British ship when Captain Corbett endeavored to induce the men on board her to accept the confederate service, the question whether her deck was not then "a place belonging or subject to Her Majesty" is a serious one, which ought also to be raised by the indictment. In our former report, we stated that we did not think a British merchant-ship at sea was included within Her Majesty's "dominions," in the sense of the act; but in the second clause there are also the other and larger words above noticed, to which we did not then advert, and which might, perhaps, receive a more extensive construction.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

Proceedings were accordingly directed to be taken against the master of the Sea King. He was arrested in January, 1865, brought before a magistrate, committed for trial, and in November of the same year tried before the lord chief justice and a special jury, on the charge of having, either within the United Kingdom or on the high seas, enlisted British subjects, or incited them to enlist in the service of the Confederate States.

The evidence produced at the trial was very conflicting. Several witnesses who had sailed in the ship were examined for the defense. These witnesses contradicted on material points the evidence given in support of the prosecution, and the statements contained in the foregoing depositions, and stated on oath that Corbett took no part in the endeavors made to induce the men to enlist, and that the persuasion used was used solely by the Americans who presented themselves as confederate officers. The chief justice put to the jury the question whether the defendant did, in fact, attempt to enlist the men or procure them to enlist, reserving any questions of law which might be raised on the part of the defense, in case the answer should be in the affirmative. The jury returned a verdict of "not guilty."

The first mate of the Sea King, Charles Easman, who was examined for the defense, gave evidence, in the course of his examination, as follows:

I was second mate of the Sea King when I sailed in her on her first voyage. I was first mate on her when she was sold to the confederates. Mr. R. Wright was her owner. She was to go to Bombay, and nothing was said as to her ultimate destination. She took in 850 tons of coals. It was an ordinary cargo, and coals at that time paid the best freight. She had forty-five hands the first voyage, and forty-seven the second.

The steward of the ship, John R. Brown, who was also examined for the defense, stated that when she left London there was nothing out of the usual course in her stores which might lead to the supposition that she had any other destination than the East Indies.

In cross-examination, he said, "Steamers often take cargoes of coal to the East Indies. She had nearly as many coals on board as she could carry. It is not an unusual thing to send a power of sale with ships going on a long voyage."

With the view of obtaining further information respecting the Sea King, Mr. Hammond, on the 27th January, 1865, wrote to Messrs. Robertson & Co., of London, who had originally been part owners and managing owners of the ship. Mr. Hammond's letter and the answer returned by Messrs. Robertson & Co. were respectively as follows:[1]

Mr. Hammond to Messrs. Robertson & Co.

FOREIGN OFFICE, *January* 27, 1865.

GENTLEMEN: I am directed by Earl Russell to state to you that his lordship has been informed that the Shenandoah, a full-rigged ship of 1,100 tons and 250 horse-power, now stated to belong to the government of the so-called Confederate States, was formerly in the possession of your firm, at which time she bore the name of the Sea King; and I am directed to inquire whether you have any objection to inform his lordship of the circumstances under which you sold the vessel, and particularly whether she was sold to an agent of the so-called confederate government.

I am, &c.,
(Signed) E. HAMMOND.

[143] **Messrs. Robertson & Co. to Mr. Hammond.*

5 NEWMAN'S COURT, CORNHILL, *London*, *January* 28, 1865.

SIR: We beg to acknowledge receipt of your letter of yesterday, and to inform you that the Sea King was sold by us to a British subject, a Mr. Wright, of Liverpool, through the agency of Messrs. Curry, Kellock & Co., of Liverpool, brokers, in the usual way, and that the bill of sale, &c., passed through Her Majesty's customs in due order.

After the sale of the vessel we had nothing whatever to do with her, and she remained in dock for some weeks, and was entered out for Bombay, which port, we were informed, was to be her destination.

We are not aware, nor have we any knowledge, that any confederate agent had anything to do with the ship during her stay in this country.

The Sea King was only 150 horse-power, and not, as stated in your letter, 250.

We have, &c.,
(Signed) ROBERTSON & CO.

On inquiry it appeared that the Sea King was a screw-steamer, built at Glasgow in the year 1863, with a view to employment in the China trade. She was originally owned in shares by several part-owners, Messrs. Robertson & Co., of London, acting as managing owners. She sailed from London, in November, 1863, for New Zealand and the China Seas, carrying troops for Her Majesty's government to Auckland, whence she proceeded to Hankow, and returned to London with a cargo of tea. In September, 1864, she was sold to a Mr. Richard Wright, a ship-owner of Liverpool. Wright, on the 7th November, 1864, granted a certificate of sale to P. S. Corbett, the master of the ship, by which he was empowered to sell her at any port out of the United Kingdom for a price not less than £45,000, within six months after the date of the certificate. When originally fitted out by Robertson & Co., and when sold by them to Wright, she had on board two ordinary 12-pounder carronades intended only for use as signal-guns and for other uses common in merchant-vessels. These were the two 12-pounder guns hereinafter referred to. The crew of the Sea King signed articles for a voyage from London to Bombay, (calling at any ports or places on the passage,) and any other ports or places in India, China, or Japan, or the Pacific, Atlantic, or Indian Oceans, trading to and from as legal freights might offer, until the return of the ship to a final port of discharge in the United Kingdom or continent of Europe, the voyage not to exceed two years.

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[1] Appendix, vol. i, p. 497.

From what has been stated above it will have been seen that the Shenandoah was a steamship originally named the Sea King, which had been built not for war but for commercial purposes; that she had been employed in the China trade, and was at the time when she sailed from the port of London, in October, 1864, registered in the name of a Liverpool merchant; that she cleared and sailed as for a trading voyage; that her crew were hired and signed articles for such a voyage, and that they shipped and went to sea without suspecting that she was intended for any other destination; that there was nothing in her cargo, stores, or otherwise to excite suspicion; that before or at the time of her arrival in the vicinity of the Madeira Islands she was sold and transferred by her owner to the government of the Confederate States; that she took on board, while at sea, her commander and officers, all of whom were American citizens, with a small handful of men as a crew; that the officers and crew who had brought her out from London left her, with very few exceptions, and returned to England; that, in order to induce her original crew to take service in her, solicitations and inducements of every kind were employed by her commander and officers, but without success; that, after being transferred as aforesaid, she was armed for war either on the high seas or in Portuguese waters, and that she thence commenced her cruise under the name of the Shenandoah, given to her by her new owners.

It will have been seen, also, that no representation had been made to Her Majesty's government respecting her by Mr. Adams, and that no information about her was ever conveyed to or came into the possession of the government previous to the report received on the 12th November, 1864, from Her Majesty's consul at Teneriffe.

Lastly, it will have been observed that immediately on the receipt of that report the government consulted its advisers on the question whether legal proceedings could be instituted against the master of the ship who had sailed with her from London, for his share in the transaction, and that he was afterward indicted and brought to trial, but was acquitted by the jury, the evidence as to his acts being doubtful and conflicting.

The steamer Laurel, which conveyed to the Madeira Islands the guns destined for the Shenandoah and her commander and officers, had on the 24th October, 1864, cleared from the port of Liverpool for Matamoras via Havana and Nassau, and her crew were shipped for that voyage.

Her clearance stated that she had a crew of 40 men, no passengers, [144] and *sundry packages of British and foreign goods free of duty.

She is believed to have been sold while abroad to the government of the Confederate States.

Mr. Adams subsequently, on the 7th April, 1865, wrote to Earl Russell, inclosing and referring to a letter addressed to Mr. Seward by the consul of the United States at Rio Janeiro, in which it was stated that several United States ships had been captured and destroyed by the Shenandoah. In this note Mr. Adams wrote as follows:[1]

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[1] Appendix, vol. i, p. 501.

> I am by no means insensible to the efforts which have already been made, and are yet making, by Her Majesty's government to put a stop to such outrages in this kingdom and its dependencies. Neither can I permit myself to doubt the favorable disposition of her ministers to maintain amicable relations with the Government which I represent.
>
> While perfectly ready to bear testimony to the promptness with which all the numerous remonstrances and representations which it has been my painful duty heretofore to submit have been met and attended to by your lordship, it is at the same time impossible for me to dispute the fact that the hostile policy which it is the object of all this labor to prevent, has not only not been checked, but is even now going into execution with more and more complete success.

He proceeded to dwell upon the losses which the commerce and navigation of the United States had sustained, and the circumstances under which these losses had been inflicted, and to observe in effect that such injuries must tend to give rise to "the gravest of complications between any two nations placed under like circumstances." He added:

> That in this case no such event has followed has been owing, in the main, to a full conviction that Her Majesty's government has never been animated by any aggressive disposition toward the United States; but, on the contrary, that it has steadily endeavored to discountenance and, in a measure, to check the injurious and malevolent operations of many of her subjects. But while anxious to do full justice to the amicable intentions of Her Majesty's ministers, and on that account to forbear from recourse to any but the most friendly and earnest appeals to reason and to their sense of justice for the rectification of these wrongs, it is impossible to resist the conviction that heretofore their measures, however well intended, have never proved effective to remedy the evil complained of. Prompt to acquit them of any design, I am reluctantly compelled to acknowledge the belief that practically this evil had its origin in the first step taken, which never can be regarded by my Government in any other light than as precipitate, of acknowledging persons as a belligerent power on the ocean before they had a single vessel of their own to show floating upon it. The result of that proceeding has been that the power in question, so far as it can be entitled to the name of a belligerent on the ocean at all, was actually created in consequence of the recognition, and not before; and all that it has subsequently attained of such a position has been through the labor of the subjects of the very country which gave it the shelter of that title in advance. Neither is the whole case stated even now. The results equally show that the ability to continue these operations with success during the whole term of four years that the war has continued, has been exclusively owing to the opportunity to make use of this granted right of a belligerent in the courts and the ports and harbors of the very power that furnished the elements of its existence in the outset.

Mr. Adams did not assert that in respect of the departure, equipment, or armament of the Shenandoah there had been any negligence or breach of international duty on the part of Her Majesty's government; nor could he have done so with any show of reason. The substance of his complaint, as regarded the acts or omissions of the government, was that Great Britain had declared herself neutral in the war, and had recognized the Confederate States as a belligerent, and that confederate vessels had been suffered to enter and make use of the ports and harbors of Great Britain and her colonies equally with vessels of the United States.

On the 25th January, 1865, the Shenandoah arrived at Port Philip, in the colony of Victoria, and anchored in Hobson's Bay; and her commander immediately sent one of the officers of the ship to present the following letter to the governor of the colony:[1]

Lieutenant Waddell to Governor Sir C. H. Darling.

CONFEDERATE STATES STEAMER OF WAR SHENANDOAH,
Port Philip, January 25, 1865.

SIR: I have the honor to announce to your excellency the arrival of the Confederate States steamer Shenandoah, under my command, in Port Philip this afternoon, and also to communicate that the steamer's machinery requires repairs, and that I am in want of coals.

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[1] Appendix, vol. i, p. 500.

I desire your excellency to grant permission that I may make the necessary repairs and supply of coals to enable me to get to sea as quickly as possible.

I desire also your excellency's permission to land my prisoners. I shall observe the neutrality.

I have, &c.,
(Signed) JAS. J. WADDELL.

[145] *The governor (Sir C. H. Darling) caused the bearer of the letter to be informed that it should be answered on the following day. The governor had not, at this or any other time, any personal intercourse with the commander of the Shenandoah.

Commander Waddell's application was, on the 26th January, brought by the governor before the executive council of the colony for consideration. The advice given by the council to the governor thereon is set forth in the subjoined extract from the minutes of its proceedings:[1]

> Dispatches from the right honorable the secretary of state, covering the Queen's proclamation of neutrality, and all instructions and orders which have, from time to time, been issued by command of Her Majesty, through the secretary of state, to the governors of Her Majesty's colonies and possessions, for their guidance during the continuance of hostilities on the North American continent, as well as official correspondence and papers connected with the proceedings of the confederate steamship Alabama at Her Majesty's colony of the Cape of Good Hope, are laid before the council, and read by the clerk.
>
> After careful consideration of these instructions and papers, the council advise that the honorable the commissioner of trade and customs, writing in the name of his excellency the governor, should acquaint the commander of the Shenandoah—
>
> 1. That the vessel under his command will not be allowed to quit the anchorage in Hobson's Bay within twenty-four hours after any vessel belonging to the Federal States shall have left the port, and further inform him that, in case he should infringe this rule, his government will be held responsible by that of Great Britain for violating the neutrality of British waters.
>
> 2. That the commander of the Shenandoah be requested to communicate to the government of Victoria the nature and extent of the repairs of which he states his vessel to be in need; and that he be informed that permission will be granted for the Shenandoah to remain in the waters of the colony a sufficient time to receive the provisions or things necessary for the subsistence of her crew—but not beyond what may be necessary for immediate use—and to effect her repairs; and that when the government of Victoria are in possession of the nature and extent of the supplies and repairs which are necessary, the commander of the Shenandoah will then be informed of the time which his vessel will be permitted to remain in the waters of the colony.
>
> 3. That, in reply to that part of his letter which refers to prisoners, the commander of the Shenandoah be requested to communicate to the government of Victoria the names of the prisoners, and any other particulars relating to them which he may be willing to supply.
>
> His excellency, concurring with the advice which has been tendered to him, directs the honorable the commissioner of trade and customs to address the commander of the Shenandoah in the above-recited terms.
>
> The council further advise his excellency to authorize a communication being made to the United States consul at Melbourne, informing him of the application which has been made by the commander of the Shenandoah for permission to land prisoners, and stating that the government are desirous of knowing whether the consul will undertake to receive and provide for them.

In conformity with the advice of the consul, communications were addressed, by the governor's direction, to the commander of the Shenandoah and to the consul of the United States at Melbourne, Mr. W. Blanchard.

The consul replied that he had already made provision for the persons brought in as prisoners by the Shenandoah. He addressed several letters to the governor, protesting against the admission of the vessel into the port of Melbourne, and calling on him to cause her to be seized, as guilty of piracy. The reasons on which the consul relied were stated by him in the following letter:[1]

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[1] Appendix, vol. i, p. 511.

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 28, 1865.

SIR: I am in receipt of a communication from C. J. Tyler, esq., your excellency's aide-de-camp, dated to-day, informing me that your excellency has submitted my dispatches of the 26th and 27th January instant to the consideration of your legal advisers, and that your excellency's decision, when made, will be forwarded to me.

Evidence being daily accumulating in this office in support of the reasons for the protests I had the honor to forward to your excellency, I now beg leave to call your attention specially to the following:

1. That the Sea King, *alias* Shenandoah, now in this port, and assuming to be a war-vessel, is a British-built ship, and cleared from a British port as a merchantman, legally entering no port until her arrival here, where she assumes to be a war-vessel of the so-styled Confederate States; that any transfer of said vessel at sea is in violation of the law of nations, and does not change her nationality.

2. That inasmuch as Her Majesty's neutrality proclamation prohibits her subjects from supplying or furnishing any war material or ship to either belligerent, this vessel, having an origin as above, is not entitled to the privileges accorded to the belligerents by said proclamation.

[146] *3. That being a British-built merchant-ship, she cannot be converted into a war-vessel upon the high seas of the so-styled Confederate States, but only by proceeding to and sailing in such character from one of the ports of the so-styled confederacy.

4. That it is an established law that vessels are to be considered as under the flag of the nation where built, until legally transferred to another flag.

5. That said vessel sailed as an English merchant-ship from an English port, and cannot, until legally transferred, be considered as a man-of-war.

6. That not being legally a man-of-war, she is but a lawless pirate, dishonoring the flag under which her status is to be established, and under which she decoys her victims.

7. That her armament came also from Great Britain in English vessels, (the Laurel and Sea King, now Shenandoah,) both of which cleared under British seal; or, if without it, in violation of established law.

8. That as such she has committed great depredations upon ships belonging to citizens of the United States, making her liable to seizure and detention, and the crew guilty of piracy.

I cannot close this without further protesting in behalf of my Government against the aid and comfort and refuge now being extended to the so-styled confederate cruiser Shenandoah in this port.

I have, &c.,
(Signed) WM. BLANCHARD.

The propositions asserted by the consul, that the Shenandoah, having been built as a merchant-ship in Great Britain, and having sailed as such from a British port, could not subsequently acquire the character of a belligerent ship of war, unless she had in the interval proceeded to, and sailed from, a port in the Confederate States, and that she was in the view of international law a pirate, were erroneous.

In answer to the consul's letter above set forth, the following letter was addressed to him by order of the governor:[2]

Mr. Tyler to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
Melbourne, January 30, 1865.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of the 28th instant, and to acquaint you that, having fully considered the representations contained in that communication and in your previous letters of the 26th and 27th instant, and advised with the Crown law-officers thereon, his excellency has come to the decision that, whatever may be the previous history of the Shenandoah, the government of this colony is bound to treat her as a ship of war belonging to a belligerent power.

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[1] Appendix, vol. i, p. 592.
[2] Ibid., p. 593.

I have, &c.,

(For Private Secretary,)
(Signed) C. J. TYLER.

The subjoined extracts from minutes of the proceedings of the executive council of the colony show what subsequently occurred in relation to the Shenandoah and the course pursued with reference to her by the government of the colony:[1]

Extract from the minutes of the council.—Minute 65/7 *of the proceedings on the* 30th *of January,* 1865.

At the close of the ordinary business of the council, the honorable the commissioner of trade and customs submits to his excellency a communication from the commander of the Shenandoah, dated 28th January, 1865—in reply to the letter which was addressed to him on the 26th instant—in which Lieutenant Waddell states that he has not been able up to the present time to inform the government of the extent of the repairs which are required to be made to his vessel, and expressing his fear that the damages will prove to be more serious than he had anticipated; but that as soon as a diver, whom he has employed for the purpose, has been able to inspect the screw-shaft below water, he will lose no time in communicating with them. This letter was, shortly afterward, followed by another from Messrs. Langlands, Brothers & Co., of the Port Philip foundery, and dated the 30th January, addressed to Lieutenant Waddell, which that officer indorsed, as forwarded to the honorable the commissioner of trade and customs, for the information of the governor, and with a request that it might be returned.

In this letter Messrs. Langlands report that it was absolutely necessary to put the vessel on the government slip, as, after inspection by the diver, he reports the lining of the outer sternbush to be entirely gone, and requires to be replaced, and that, as three days more will elapse before the vessel can be slipped, Messrs. Langlands state they will not be able to accomplish the repairs within ten days from the date of their letter.

After considering these letters, the council advise his excellency to authorize another communication to be addressed to the commander of the Shenandoah, drawing his attention to the circumstance that he had not as yet replied to the request for [147] information as to the nature of the supplies of *which he states he is in need for the subsistence of his crew, nor had he furnished the list of the prisoners on board; and that he be further informed that the governor had appointed a board of practical men to examine the Shenandoah, and report whether that vessel is in a fit state to proceed to sea, or whether any, or if any, what repairs are necessary. For this purpose his excellency appoints Mr. C. B. Payne, secretary naval survey board; Mr. Douglas Elder, superintendent marine yard; and Mr. Alexander Wilson, government engineer, to be a board to proceed on board the Shenandoah, and report accordingly.

His excellency then lays before the council three letters which have been addressed to him by the United States consul at Melbourne, dated, respectively, the 26th, 27th, and 28th of January, 1865, protesting against the rights of a belligerent being granted to the Shenandoah, and further protesting against the aid and comfort and refuge now being extended to that vessel.

Having referred these letters to his legal advisers, his excellency received from them the following opinion:

"We have the honor to acknowledge the receipt of three letters addressed to his excellency the governor by the consul of the United States of America, dated, respectively, the 26th, 27th, and 28th instant.

"We are of opinion that there is no evidence of any act of piracy committed by any person on board the vessel called the Shenandoah. This vessel purports to be, and we think she should be treated as, a ship of war belonging to a belligerent power.

(Signed) "ARCHD. MICHIE,
"GEO. HIGINBOTHAM,
"*Crown Law-Officers.*

"JANUARY 30, 1865."

His excellency states that he had replied to the United States consul to the effect that, having given an attentive consideration to his letters, and having consulted with the law-officers of the Crown, he had come to the decision that the government of this colony were bound to treat the Shenandoah as a ship of war belonging to a belligerent power.

His excellency then consults the council on the only point upon which he thought any doubt could arise, viz, whether it would be expedient to call upon the lieutenant commanding the Shenandoah to show his commission from the government of the Confederate States, authorizing him to take command of that vessel for warlike purposes.

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[1] Appendix, vol. i, p. 514.

After brief consultation a majority of his advisers tender their opinion that it would not be expedient to do so.

Extract from the minutes of the council.—Minute 65 ⁄ 8 *of the proceedings on the 6th February* 1865.[1]

On concluding the ordinary business of the day his excellency informs the council that since their last meeting a communication had been received from the commander of the Shenandoah, dated 30th January, stating that the immediate supplies required for the officers and crew under his command consisted of fresh meat, vegetables, and bread daily, and certain sea supplies which are enumerated, and that with respect to the list of prisoners, all the persons—whom on the high seas he considered to be his prisoners—had left his ship in shore boats, without his knowledge, soon after his arrival in the port. The honorable commissioner of trade and customs had been authorized to reply to Lieutenant Waddell that permission was granted to him to ship, in reasonable quantities, the provisions and supplies which he had enumerated, and that it was necessary for him to place his paymaster in communication with the collector of customs as to the quantities and particulars in detail. The request formerly made to Lieutenant Waddell to furnish the numbers and particulars of his prisoners was also renewed in this communication, and he was informed that, although the number in this instance was understood to be small, yet this case might form a precedent for future guidance in any other case where it might be desired to land a larger number of prisoners in violation of municipal or other laws or regulations in force in this colony.

To this letter Lieutenant Waddell replied, on the 1st February, that the number of the prisoners he had brought into the port were eleven, two being females; that they were captured serving in the American bark Delphine, which vessel he destroyed; and on arrival in this port they left the Shenandoah of their own free will—without consulting the regulations enforced in this colony—unmolested, unassisted, and not in any boat belonging to the ship. He further added that he was extremely anxious to get the Shenandoah to sea.

The report of the board of survey on the repairs required by the Shenandoah is then laid before the council and read.

On receiving this report, his excellency states that he had directed another letter to be addressed to Lieutenant Waddell, informing him that, as it was evidently necessary from the report that his vessel should be placed on the slip, it was presumed that he would proceed promptly with the necessary arrangements; and it was further pointed out to him that the slip—which Messrs. Langlands, in their communication, had termed the government slip—was not in the possession or under the control of the government; that it was originally built by the government, but had for many years been leased to various parties, and, therefore, Lieutenant Waddell's arrangements must be made with the present lessees.

The commissioner of trade and customs then acquainted his excellency that he had issued instructions to the principal officers in Hobson's Bay to furnish daily
[148] reports of the Shenandoah, in *obedience to a minute of his excellency of the 3d instant, and that he had enjoined upon these officers the necessity of performing this service without unseemly obtrusion or interference, but that any apparent abuse of the permission to make repairs or to take in supplies was to be reported; and their attention was especially directed to the concluding paragraph of the minute relating to any extension of the armament of the Shenandoah, or to any attempt to render her present armament more effective.

Mr. Francis further states that an application had been made this day to the collector of customs for permission to land certain surplus stores, accompanied by a declaration that none of these stores had been captured, but that they all came into the possession of Lieutenant Waddell with the vessel. On consultation with the council, his excellency directs this application to be referred for the opinion of the Crown law-officers, whether such a permission should be granted, and whether the forty-fourth section of the act 21 Vict., No. 13, is applicable to the case.

His excellency then directs Mr. Francis to address another letter to Lieutenant Waddell, and inform him that, as his vessel has been twelve days in the port already, with permission to lay in provisions and to effect necessary repairs, it is now desired that he should name the day upon which he will be prepared to proceed to sea, and that, after carefully considering the position of Great Britain as strictly neutral in the present contest on the North American continent, the government of Victoria cannot grant him the use of any appliances which are the property of the government, nor can it render any assistance, either directly or indirectly, toward effecting the repairs of his vessel.

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[1] Appendix, vol. i, p. 516.

The report of the board of survey referred to in the foregoing minute was as follows:[1]

Report of survey held on board the confederate screw-steamer Shenandoah.

MELBOURNE, *February* 1, 1865.

We, the undersigned, in pursuance of instructions received from his excellency the governor, proceeded on board the confederate screw-steamer Shenandoah this morning, at 10 a. m., for the purpose of examining her with a view of reporting whether that vessel is now in a fit state to proceed to sea, or whether, and what, repairs are necessary, have the honor to report:

1st. That the Shenandoah is not in a fit state to proceed to sea as a steamship.

2d. That repairs are necessary.

3d. That the part or parts requiring repair being the inner stern-post bearing of the screw-shaft, the extent of damage cannot be ascertained without the vessel being slipped.

(Signed) CHARLES B. PAYNE.
ALEX. WILSON,
Engineer-Surveyor.
DOUGLAS ELDER,
Superintendent of Marine Yard.

The governor's minute (or memorandum) of the 3d February, referred to in the foregoing minute of proceedings, was as follows:[2]

Memorandum for the commissioner of trade and customs.

I have to request the honorable the commissioner of trade and customs will be so good as to make arrangements for obtaining daily reports of the progress of the repairs and provisioning of the Shenandoah, and communicate the information obtained to me.

I am sure that the honorable commissioner will take every precaution in his power against the possibility of the commander of that vessel in any degree extending its armament or rendering the present armament more effective.

C. H. D.

TOORAK, *February* 3, 1865.

On the 10th February, 1865, the consul wrote to the governor[3] inclosing a deposition on oath by one John Williams, who had been a prisoner on board the Shenandoah, and had escaped from her by swimming ashore on the 6th February. In this deposition the said John Williams stated that fifteen or twenty men had joined the ship since her arrival in port, and were concealed in various parts of her, and that three others, who were wearing the ship's uniform, had also come aboard since her arrival.

The course pursued by the colonial government with reference to this and other matters relating to the Shenandoah is stated in the subjoined further extract from the minutes of the executive council:[4]

Extract from the minutes of the council.—Minute 65 / 9 *of the proceedings on the* 13*th February,* 1865.

His excellency states that Lieutenant Waddell had replied, to the communication which it had been agreed to address him at their last meeting, that he could [149] not name a day for proceeding to sea *until his ship is taken on the slip, when the amount of repairs which may be necessary could be ascertained and the time estimated in which they could be effected. He further states that the recent gales had prevented him from lightening the ship to the necessary draught preparatory to placing her on the slip, but that he hoped to do so on the following morning.

The opinion of the attorney general on the application which has been made for permission to land certain surplus stores from the Shenandoah, is also laid before the council.

It is to the effect that the permission cannot be granted by the government of Victoria, consistently with a strict observance of the rules prescribed for the maintenance of neutrality; and his excellency informs the council that he has authorized a communication to the commander of the Shenandoah to that effect.

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[1] Appendix, vol. i, p. 518.
[2] Ibid., p. 529.
[3] Ibid., p. 606.
[4] Ibid., p. 520.

The further report of the board of survey on the Shenandoah, after viewing that vessel on the slip, is also submitted and considered.

His excellency then states to the council that, in consequence of a letter which he had received from the United States consul, dated the 10th instant, and inclosing a testimony on oath of one John Williams, he had deemed it his duty to refer it for the consideration of the law-officers of the Crown; as, presuming the statements therein contained to be correct, it would appear that the commander of the Shenandoah was taking advantage of the aid and comfort which had been afforded to him in this port, to increase the number of his crew by enlisting British subjects, in contravention of the foreign enlistment act.

In consequence of this reference the law-officers of the Crown had directed the attendance of the man John Williams, and that he had, with other men, attended that morning at the Crown law-offices, and had made statements to the effect that a number of men, representing themselves to be Englishmen, had gone on board the Shenandoah since her arrival in this port with the intention of joining her, and were now concealed on board.

The law-officers being of opinion that there was sufficient evidence to take steps for prosecuting, had instructed the police to lay informations against these men for a misdemeanor, and to apply for a warrant for their apprehension.

On consultation with the council, it was not considered necessary by his excellency to take any further steps in the matter until the result of the police-office proceedings was known; but Mr. Francis is instructed again to inquire, by letter, when Lieutenant Waddell would be ready to proceed to sea.

A report from the detective police at Sandridge, of this day's date, on matters relating to the Shenandoah, is laid upon the table of the council; and as, from information which had reached the government, some suspicion had been attached to the movements of a vessel called the Eli Whitney, now lying in the bay, the honorable the commissioner of trades and customs undertakes that her movements shall be carefully watched.

The honorable the attorney general then submits to his excellency depositions taken on oath by eleven persons before the consul of the United States, in Melbourne, which depositions have been placed in his hands by the consul.

A true extract.

(Signed) J. H. KAY,
Clerk of the Council.

The opinion of the attorney general of the colony, referred to in the foregoing minute, was as follows:[1]

Section 44 of act No. 13 is not applicable, in my opinion, to this case. Even if the Shenandoah be regarded as a ship having a commission from a foreign state within the meaning of the section, the section does not authorize the master of such a ship to land goods without submitting to the rules of the customs, but imposes a penalty on him for not delivering an account, in writing, of the quality and quantity of goods, &c., on board. The account is not stated to have been delivered; and if it had been, the master is not empowered to land the goods, although the customs officers have the right to do so, subject to the regulations in force respecting Her Majesty's ships.

I am not aware that there is anything in the customs act that would make the relaxation of the customs regulations now asked for absolutely illegal. But I am of opinion that the permission that is sought cannot be granted consistently with a strict observance of the rules prescribed for the maintenance of neutrality.

(Signed) GEO. HIGINBOTHAM.

CROWN LAW-OFFICES, *February* 6, 1865.

The further report of the board of survey, also referred to in the foregoing minute, was as follows:[2]

Further report on the confederate steamship Shenandoah.

The Shenandoah having been hauled up on the patent-slip at Williamstown, we, the undersigned, proceeded to hold a survey on the damage sustained to the forward bearing of the outer length of the screw-shaft, and find as follows, viz:

1st. The lignum-vitæ staves, forming the bearing for the forward end of the outer length of the screw-shaft, are entirely displaced.

2d. That the inner stern-post bracket, in which the staves of lignum-vitæ are

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[1] Appendix, vol. i, p. 521.

[2] Ibid., p. 522.

[150] fitted, forming also the support for the foremost end of the screw-frame, is fractured on the starboard side to the extent of about 4 inches.

3d. That these repairs (necessary to render the steamship seaworthy) can be effected in or about five clear working-days from this date.

(Signed) CHARLES B. PAYNE,
Late Lieutenant, Royal Navy.
ALEX. WILSON,
Engineer Surveyor.
DOUGLAS ELDER,
Superintendent, Marine Yard.

WILLIAMSTOWN, *February* 10, 1865.

On the same 13th of February a warrant was granted by a magistrate at Williamstown for the apprehension of a man known as James Davidson, or "Charley," who was stated to be concealed on board the Shenandoah. The superintendent of police, who was charged with the execution of the warrant, went on board the ship, but was not permitted to search her, and was unable to apprehend the man of whom he was in quest. The superintendent reported as follows to the chief commissioner of police:[1]

Superintendent Lyttleton to the chief commissioner of police, Melbourne.

POLICE DEPARTMENT, SUPERINTENDENT'S OFFICE,
Melbourne, February 14, 1865.

SIR: I have the honor to inform you that, acting on your instructions, I proceeded last evening to the confederate war-steamer Shenandoah, with a warrant for the arrest of a man known as Charley, stated to have illegally engaged himself on board of the vessel. I asked for Captain Waddell, but was informed that he was not on board. I then asked for the officer in charge, saw him, and obtained permission to go on board. I told the officer my business, and requested that he would allow me to see the men on board, in order that I might execute my warrant. He refused to allow me. He then showed me the ship's articles, and asked me to point out the name of the man, which I was unable to do. I showed him my warrant, which he looked over, and returning it to me he said, "That is all right, but you shall not go over the ship." He told me I had better return when the captain was on board; but as he could not say at what hour he would probably return, I told him that I would see the captain the following day.

This morning I went again to the Shenandoah, and, after stating my business, was allowed on board. I told Captain Waddell that I was informed he had persons on board who had joined his vessel here, and that informations having been sworn to that effect, I had a warrant with me. He said, "I pledge you my word of honor as an officer and a gentleman that I have not any one on board, nor have I engaged any one, nor will I while I am here." I said I understood that the persons I wanted were wearing the uniform of the Confederate States, and were working on board. This he distinctly denied. He offered to show me the ship's articles, but I declined, and told him that I had seen them last evening. I then asked him to allow me to go over the ship, and see if the men I wanted were on board. This he refused to do. I said I must try to execute my warrant, even if I had to use force. He said he would use force to resist me, and that if he was overcome, he would throw up his ship to the government here and go home and report the matter to his government. He said that he dare not allow me to search his ship; "it was more than his commission was worth; and that such a thing would not be attempted by the government to a ship of war of any other country." He said, "It was only by courtesy that I was allowed on board," and that he considered "a great slight had been put upon him by sending me to the ship with a warrant." He said he thought that his "word should have been taken in preference to that of men who had probably deserted from the ship, and had been put up to annoy him by the American consul." He said that if I took one man I might come afterward and take fifteen or twenty, and that the American consul would perhaps lay an information against him as being a "buccaneer or pirate." He said he thought he had been "very badly treated here by the police refusing to assist him in arresting his deserters." Before leaving I asked him again if he refused to allow me to look for the man for whom I had a warrant in my hand. He replied yes, that he did refuse, and that he would "fight his ship rather than allow it." I then left.

I am, &c.,
(Signed) THOMAS LYTTLETON,
Superintendent.

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[1] Appendix, vol. i, p. 524.

This report was on the same 14th February laid by the governor before the executive council for consideration, as appears by the subjoined further extract from the minutes of the council:[1]

Extract from the minutes of the council—Minute 65/10 *of the proceedings on the* 14*th February,* 1865.

The council are specially summoned to consider a report from Police Superintendent Lyttleton, to whom had been intrusted the warrant mentioned in yesterday's proceedings, for the arrest of a British subject known as "Charley," who was stated on oath to have illegally enlisted himself on board the confederate ship Shenandoah.

The report is read to the council.

[151] *His excellency then draws the attention of his advisers to the gravity of the present state of affairs as respects the confederate steamship Shenandoah, and points out that as the ordinary course of the law has been frustrated by William Waddell refusing to allow the execution of a warrant issued upon a sworn information, it becomes necessary to consider what steps should now be taken to enforce the maintenance of neutrality.

After full consideration of the instructions issued by Her Majesty's government for the observance of neutrality, and some discussion upon the question of the right of government to enforce the execution of the warrant, the council advise his excellency to direct the honorable the commissioner of trade and customs to write to Lieutenant Waddell and request that officer to reconsider his expressed determination to resist by force the execution of the warrant; and further to inform him that, pending his reply, the permission which has been granted to him to repair and take in supplies has been suspended by the governor.

His excellency then issues a direction under his own hand that, upon the receipt of an instruction to that effect from the chief commissioner of police, none of Her Majesty's subjects in this colony are to render any aid or assistance to or perform any work in respect to the so-called confederate steamship Shenandoah or in launching the same.

His excellency further directs that the chief commissioner of police be instructed to send some police to Williamstown, to take care that the direction above mentioned is duly observed by Her Majesty's subjects, and that the officer in charge of this force be strictly enjoined to prevent any collision between the police and the officers and men of the Shenandoah, and that no obstruction in any manner whatever is to be offered to their movements.

In pursuance of the advice of the council the following letter was on the same 14th February, 1865, addressed to the commander of the Shenandoah by the governor's direction:[2]

CUSTOM-HOUSE, *Melbourne, February* 14, 1865.

SIR: I am directed by his excellency the governor to state that it has been reported to the government that you have refused to allow the execution on board the Shenandoah of a warrant issued upon the sworn information according to law, alleging that a British subject is on board that vessel who has entered the service of the Confederate States in violation of the British statute known as the foreign-enlistment act; that it is not consistent with the British law to accept any contrary declaration of facts, whatever respect be due to the person from which it proceeds, as sufficient to justify the non-execution of such warrant; and that, moreover, it is conceived that this government has a right to expect that those who are receiving in our port the aid and assistance which they claim as a belligerent under the Queen's proclamation should not in any way oppose proceedings intended to enforce the maintenance of neutrality.

It will be apparent to you that the execution of the warrant is necessary, in order to enable the government to bring to justice those upon whose depositions the warrant was issued, if the statements in those depositions should prove false in fact.

In this view you are appealed to to reconsider your determination, and, pending further information from you, which you are requested to make with as little delay as possible, the permission granted to you to repair and take in supplies is suspended, and Her Majesty's subjects have been duly warned accordingly.

I have, &c.,
(Signed) JAS. G. FRANCIS.

J. J. WADDELL, Esq.,
Lieutenant Commanding Confederate States Steamer Shenandoah.

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[1] Appendix, vol. i, p. 524.
[2] Ibid., p. 643.

To this letter the following reply was received:[1]

CONFEDERATE STATES STEAMER SHENANDOAH,
February 14, 1865.

SIR: I am in the receipt of your letter of this date, in which you inform me that you have been directed by his excellency the governor to state that it has been reported to the government that I have refused to allow the execution on board the Shenandoah of a warrant issued upon sworn information, according to law, alleging that a British subject is on board this vessel who has entered the service of the Confederate States in violation of the British statute known as the foreign-enlistment act, and that it is not consistent with the British law to accept any contrary relation of facts, whatever respect be due to the person from whom it proceeds, as sufficient to justify the non-execution of such warrant. I am then appealed to to reconsider my determination, and the letter concludes by informing me that, pending a further intimation from me, the permission granted to repair and take supplies is suspended.

I have to inform his excellency the governor that the execution of the warrant was not refused, as no such person as the one therein specified was on board, but permission to search the ship was refused. According to all the laws of nations, the deck of a vessel of war is considered to represent the majesty of the country whose flag she flies, and she is free from all executions, except for crimes actually committed on shore, when a demand must be made for the delivery of such person, and the execution of the warrant performed by the police of the ship. Our shipping articles have been shown to the superintendent of police. All strangers have been sent out of the ship, and two commissioned officers were ordered to search if any such have been left on board. [152] They have reported to me that, *after making a thorough search, they can find no person on board except those who entered this port as part of the complement of men.

I therefore, as commander of the ship, representing my government in British waters, have to inform his excellency that there are no persons on board this ship except those whose names are on my shipping articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port, nor have I in any way violated the neutrality of the port.

And I, in the name of the government of the Confederate States of America, hereby enter my solemn protest against any obstruction which may cause the detention of this ship in port.

I have, &c.,
(Signed) JAS. J. WADDELL,
Lieutenant Commanding, Confederate States Navy.

Hon. JAS. G. FRANCIS,
Commissioner of Trades and Customs, Melbourne.

Late in the evening of the same day (14th February) four men, who had been on board the Shenandoah, were apprehended by the police under the circumstances stated in the subjoined report:

Superintendent Lyttleton to the chief commissioner of police, Melbourne.[2]

I have the honor to inform you that, acting on your instructions, I proceeded yesterday, at 4 p. m., to Williamstown, and took possession of the slip on which the confederate vessel Shenandoah is placed. I cleared the yard, and would not allow any workmen to go on board the ship. At about 10 o'clock p. m. four men left the Shenandoah in a boat, pulled by two watermen. They were followed by the water police, who were unable to come up with them until they got to the railway station. They were then requested to come back and see me. I questioned them, and they told me that they had been on board a few days unknown to the captain, and that as soon as he found they were on board he ordered them to go on shore. I have detained these men in custody, and have written to the American consul requesting him to forward some one who may be able to identify them. The tug-steamers came at 4 this morning to tow the Shenandoah off. I ordered them off, and requested Captain Ferguson not to supply the ship with a pilot. I am still in charge of the slip.

I have, &c.,
(Signed) J. LYTTLETON.

The four persons so apprehended were on the 16th February taken before a magistrate and charged with having violated the foreign-enlistment act by enlisting, or attempting to enlist, in the confederate service.

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[1] Appendix, vol. i, p. 644.

[2] Ibid., p. 527.

One was discharged, being an American; the three others—one of whom was identified as being the man known as James Davidson or Charley—were committed for trial.

On the 15th February the lessee of the slip on which the Shenandoah was being repaired wrote to the chief secretary of the colony stating that his manager had informed him that, should a gale of wind arise, he (the manager) would either be compelled to launch the ship or run a great risk of her sustaining serious damage in consequence of her unsafe position on the cradle.[1]

This communication was laid before the executive council, and the governor, by the advice of the council, determined that the order by which the permission to repair had been suspended should be revoked, and the vessel allowed to complete her necessary repairs, her commander being at the same time told that he was expected to use every dispatch in getting to sea by the time previously fixed.[2]

A communication to this effect was accordingly made to Commander Waddell, who, in acknowledging it, reiterated his previous denials in the following terms:[3]

> The four men alluded to in your communication are no part of this vessel's complement of men; they were detected on board by the ship's police after all strangers were reported out of the vessel, and they were ordered and seen out of the vessel by the ship's police immediately on their discovery, which was after my letter had been dispatched informing his excellency the governor that there were no such persons on board. These men were here without my knowledge, and I have no doubt can be properly called stoaways, and such they would have remained but for the vigilance of the ship's police, inasmuch as they were detected after the third search; but in no way can I be accused, in truth, of being cognizant of an evasion of the foreign-enlistment act.

The Shenandoah quitted Port Philip on the morning of the 18th February, 1865.

On the 18th February,[4] after the ship had sailed, the consul of the United States sent to the governor a declaration on oath purporting to be made by a man named Forbes. [153] *The declaration was to the effect that about 4 p. m. on the 17th February Forbes had seen on the pier at Sandridge five men, (most, if not all, of whom were stated by him to be British subjects,) and that one of these told him that they and others were going on board a bark called the Maria Ross, then lying in the bay, and were to join the Shenandoah when she was out at sea, and that boats from the Maria Ross were to come for them at five o'clock. The consul stated that Forbes had come to his (the consul's) office with this intelligence at about five p. m., and had been taken by him immediately to the office of the Crown solicitor, with the view of laying an information, but that the Crown solicitor had refused to take the information, whereby an endeavor to prevent a violation of the neutrality of the port had been defeated. The consul inclosed also a statement by a Mr. Lord, who had accompanied him to the Crown solicitor. This statement, after giving an account of the interview, proceeded as follows:[5]

> We left and went first to the office of the chief commissioner of police, and not finding either him or Mr. Lyttleton in, we drove to the houses of Parliament, and on sending your name to the attorney general he at once came out and asked us into the side room; he patiently listened to all you had to say, and then suggested that, if you would place the matter in the shape of an affidavit, he would lay it before his colleagues; that a verbal statement was not sufficient for the government to proceed upon. We then left and drove to the office of the detective police, and saw Mr. Nicholson, the chief, who heard the man's statement in full, but, as he could not act with-

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[1] Appendix, vol. i, p. 528.

[2] Ibid., p. 526.

[3] Ibid., p., 646.

[4] Ibid., p. 616.

[5] Ibid., p. 618.

out a warrant, advised us to go to the police magistrate, Mr. Sturt, and get a warrant; then he would at once act upon it. Leaving there, we went to the residence of Mr. Sturt, in Spencer street, who received you very politely, listened to what you had to say, examined the man, but stated that he could not take the responsibility of granting a warrant on the evidence of this man alone, and advised your going to Williamstown to Mr. Call, who, perhaps, would be in possession of corroborative testimony through the water police. We then left, it being about half past 7, and you, finding such a disinclination in any one to act in the matter, decided to take the deposition yourself and send it to the attorney general, leaving it to the government to take such action on it as it might deem proper. Going to your consulate the deposition was taken, and a copy inclosed to the attorney general, with a request for me to deliver it.

I took it to the houses of Parliament, which I found closed, and it being then late, about 9, I decided it was too late to stop the shipment of the men, as we understood the vessel was to leave at 5, and I went home and returned the letter to you on Saturday morning. Previous to going home, however, I again went to the detective office, saw Mr. Nicholson, told him how you had been prevented from getting the evidence before the government in the shape they required it. He expressed his regret, but could not act in so important a matter without a warrant.

The consul complained that the language and manner of the Crown solicitor, in refusing to take the information, had been insulting to him.

The consul's letter was answered as follows:[1]

Mr. Warde to Mr. Blanchard.

FEBRUARY 21, 1865.

SIR: I am desired by his excellency the governor to acquaint you that he received your letter of the 18th instant in the afternoon of that day, Saturday, and that on Monday, the 20th, he caused it to be referred, through the honorable the attorney general, to the Crown solicitor for any explanation he might wish to offer.

2. After stating that it was only in consequence of his accidentally returning to his office at half past 5 p. m., after it had been closed for the day, that the interview between you and himself occurred at all, Mr. Gurner states that he informed you that, not being a magistrate, he could not take an information, and adds that he was in a hurry to save a railway train, and therefore left more suddenly than he otherwise should have done; but he positively asserts that neither in manner nor language did he insult you.

3. His excellency feels sure that the Crown solicitor's tone and manner have been misapprehended, and confidently assures you that there was no intention on the part of that officer to fail in the respect due to your position as the consul of the United States of America.

I have, &c.,
(Signed) N. L. WARDE,
Private Secretary.

From circumstances which were discovered after the sailing of the Shenandoah, there was reason to believe that a number of men had gone secretly on board of that vessel during the night of the 17th February, and that they went to sea in her and became part of her crew.

The governor reported this fact to Her Majesty's government, and at the same time sent to the governors of the other Australian colonies, and to the governor of New Zealand, letters in the following terms:[2]

[154] **Governor Sir C. Darling to governors of Australian colonies and New Zealand.*

GOVERNMENT HOUSE, *Melbourne, February* 27, 1865.

SIR: I consider it my duty to place your excellency in possession of the accompanying correspondence and other documents connected with the proceedings of the commander of the Confederate States vessel Shenandoah, while lying in Hobson's Bay, for the purpose of having necessary repairs effected and taking in supplies, under permission granted by me in accordance with the conditions prescribed by Her Majesty's proclamation and instructions for the observance of neutrality.

2. I have also the honor to forward copies of letters from the chief commissioner of police in Victoria, accompanied by reports and statements which leave no doubt that the neutrality has been flagrantly violated by the commander of the Shenandoah, who, after having assured me of his intention to respect it, and pleaded the privilege of a

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[1] Appendix, vol. i, p. 618.

[2] Ibid., p. 565.

belligerent ship of war to prevent the execution of warrants under the foreign enlistment act, nevertheless received on board his vessel, before he left the port on the 18th instant, a considerable number of men destined to augment the ship's company.

3. I have thought it right to communicate to your excellency this information, in the event of Lieutenant Waddell or any of his officers hereafter claiming the privileges of a belligerent in any port of the colony under your government.

I have, &c.,
(Signed) C. H. DARLING.

The three persons who had been committed for trial on the charge of having taken service or agreed to enlist on board the Shenandoah were brought to trial on the 17th March, 1865, at the criminal sessions of the supreme court of the colony of Victoria. One was found guilty by the jury, and another pleaded guilty, and these two were sentenced to ten days' imprisonment.[1]

The judge, in pronouncing sentence, took notice that the men had already been imprisoned for more than a month, and that persons in their condition of life might not and probably did not know the important results which might follow from such an unlawful act as they had committed. It was right and necessary, however, that the law should be vindicated. The third of the accused persons (a boy of about fifteen years of age) was discharged in consideration of his youth, on the application of the attorney general.

It may be here mentioned that in March, 1864, six men had been brought to trial at Cork on a charge of having agreed to enlist on board the United States war-steamer Kearsarge. They pleaded guilty, and were discharged without punishment, on the ground that they were probably unacquainted with the law, and ignorant of the criminality of the act which they had committed. It was stated, and is believed by Her Majesty's government to be true, that they had come on board without the sanction or knowledge of the captain of the Kearsarge, who ordered them to be put ashore when he subsequently touched at Queenstown.

The governor of Victoria, in reporting to Her Majesty's government the circumstances which had occurred during the time that the Shenandoah remained within the waters of that colony, requested that he might be furnished with specific instructions as to the right of the colonial government to execute a warrant under the foreign enlistment act on board a belligerent ship of war, whether belonging to a state with which Her Majesty had diplomatic relations, or to a community situate as the Confederate States were; and, if the right should be considered to exist, he requested to be informed to what extent the government would be justified in proceeding for the purpose of enforcing the execution of such a warrant. The governor's inquiry was referred to the law-officers of the Crown in England, and they advised as follows:[2]

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *April* 21, 1865.

MY LORD: We are honored with your lordship's commands signified in Mr. Murray's letter of the 18th instant, stating that he was directed by your lordship to transmit to us a letter from the Colonial Office, inclosing copies of dispatches from Governor Sir C. Darling, together with their several inclosures, relative to the visit to the port of Melbourne of the Confederate States steamer Shenandoah, and the alleged enlistment of British subjects there to serve on board that vessel; and to request that we would take these papers into our consideration, and favor your lordship with any observations we might have to offer thereupon, and more particularly as to whether they seem to require any action on the part of Her Majesty's government.

In obedience to your lordship's commands we have taken these papers into our consideration, and have the honor to report—

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[1] Appendix, vol. i, p. 577.

[2] Ibid., p. 558.

That it appears to us that, in the circumstances stated, his excellency the [155] governor acted with *propriety and discretion; and there does not appear to us at present to be a necessity for any action on the part of Her Majesty's government.

With respect to his excellency's request, that he may receive instructions as to the propriety of executing any warrant under the foreign enlistment act on board a confederate (public) ship of war, we are of opinion that, in a case of strong suspicion, he ought to request the permission of the commander of the ship to execute the warrant; and that, if this request be refused, he ought not to attempt to enforce the execution; but that, in this case, the commander should be desired to leave the port as speedily as possible, and should be informed that he will not be re-admitted into it.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

While the Shenandoah was in Hobson's Bay the following report on her construction, equipment, and warlike force was made to the governor by a competent officer who had served as a lieutenant in Her Majesty's navy:[1]

Captain Payne to Colonel Henderson.

MELBOURNE, *February* 10, 1865.

SIR: With reference to your memorandum, marked confidential, directing me to report upon the armament, speed, and other qualities of the confederate war-steamer Shenandoah, I have the honor to inform you that I have taken every opportunity that presented itself for obtaining the information you desire, and beg now to report—

1st. That the armament (as far as I can see) consists of the following ordnance, viz: Two Whitworth rifle-guns of thirty-three hundred-weight each. Four 8-inch smooth-bore guns, fifty-five hundred-weight each. Two 12-pounder smooth-bore guns, about fifteen hundred-weight each.

I have been unable to ascertain what amount of ammunition she has on board for these guns, nor have I been able to determine where her magazines are placed. I do not think they are abaft her engine-room, for her after-hold has been cleared, and there is no appearance of any magazine there. I observe that there were no small-arms, stands for small-arms, cutlasses or pistols, about any part of her decks; and as far as I could see, there appears to be a general unreadiness for action about her quarters. Shot-racks were not fitted, nor did I see any place I call the shell-room aloft; everything indicated that she was nothing more than an ordinary merchant ship.

I have used every exertion (but without success) to ascertain whether she has any larger guns stowed away below. I do not think she has, as her scantling would hardly allow her to carry more than I have already seen. There appears to be a mystery about her forehold, for the foreman of the patent-slip, when asked to go down to that spot to measure her for the cradle, was informed he could not get to the skin at that place. The hatches were always kept on, and the foreman states that he was informed they had all their "stuff" there.

As to her speed, I have been informed by competent judges that, taking her boiler power into consideration, she would not exceed an average of ten knots an hour under steam alone; while under sail she has every appearance of being very fast. There is nothing to protect her machines from shot and shell; in fact, her boilers and the principal parts of her machinery are above the water-line. Her bunkers certainly are between the machinery and the ship's side, but from their small dimensions they would offer but small resistance to shot. The most vulnerable part, viz, the boilers, is left quite unprotected. She can carry a great quantity of coals, but in her bunkers she can only stow about 50 tons. Her daily consumption under full steam averages about 24 tons. She is fitted with a smoke-consuming apparatus, which appears to answer well, for I remarked when she first came up the bay but little smoke was emitted from her funnel. In her other qualities, I think she corresponds with the description given in Lloyd's Register of another vessel which has a similar number and the same tonnage marked on her main beam, viz, No. 4854 and 790 tons. She is built on the composite plan, having iron frames with wood planking, and appears to have been strongly built, but not more so than is usual for ships classed on the first letter for thirteen years.

The state of the vessel on deck, aloft, and in the engine-room, I think both slovenly and dirty, and does not reflect any credit upon her officers.

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[1] Appendix, vol. i, p. 557.

There appeared to me to be about 40 to 50 men on board, slouchy, dirty, and undisciplined. I noticed also a great number of officers, and could not help remarking that the number appeared out of all proportion to the few men I saw on board. Without disparaging the confederate war steamer Shenandoah, I am altogether of opinion that there is nothing in her build, armament, (with the exception of the Whitworth guns,) and equipment that should call for more special notice than that she is an ordinary merchant-vessel, armed with a few guns.

I have, &c.,
(Signed) CHARLES B. PAYNE.

The consul of the United States at Melbourne had, on the Shenandoah's first arrival in the port, sent to Mr. Adams, in a letter 156 dated 26th January, 1865, the following *description of her, communicated to him (the consul) by persons who had been on board of her as prisoners:[1]

She has the appearance of an ordinary merchant-ship, with a long full poop, a large bright wheel-house, oval skylights on the poop. She has one telescope funnel. The mizzen topmast and top-gallant staysail both hoist from the mainmast head. She is wire-rigged.

The officers declare it would not be safe to fire a broadside. It is the general impression that she is not a formidable vessel. She is leaky, and requires two hours' pumping out. The crew consists of seventy-nine, all told.

Her armament was stated by these persons to consist of "two unrifled 8-inch-shot guns, two rifled 4-inch guns, and two ordinary 12-pounders, the original ship's guns."

By several persons who had been on board of her as prisoners or among her crew, it was sworn that only the two ordinary 12-pounder guns were used during her cruise in making prizes. By this was meant (as appears from the depositions themselves) that these guns were used in firing blank shots, to compel merchant-vessels to heave to. They do not appear to have been used in any other manner.

With respect to her crew it was sworn by one of the prisoners that he had heard her captain say that he and his officers took charge of her at the Madeira Islands, and sailed thence with a crew of seventeen men. Another deponent (one Silvester, a seaman who had joined her from the Laurel and left her at Melbourne) stated on oath that, when she was left by the Laurel, her whole crew, including officers, numbered twenty-three persons. When she arrived at the port of Melbourne she had captured nine or more United States merchant-ships, and her crew was largely increased by the addition of men who had joined her from those ships. Several men who had so joined her, and who left her at Melbourne, affirmed that they had been forced to take service in her against their will by threats and ill-usage.

On the 20th June, 1865, Earl Russell received the following letter from Mr. Mason, who had been residing in England during the war as an agent of the government of the Confederate States, though not officially recognized as such by Her Majesty's government:

Mr. Mason to Earl Russell.[1]

28 GROVE STREET,
Leamington, June 20, 1865.

MY LORD: It being considered important and right, in the present condition of the Confederate States of America, to arrest further hostile proceedings at sea in the war against the United States, those having authority to do so in Europe desire as speedy as practicable to communicate with the Shenandoah, the only remaining confederate ship in commission, in order to terminate her cruise.

Having no means of doing this in the distant seas where that ship is presumed now to be, I venture to inquire of your lordship whether it will be agreeable to the government of Her Majesty to allow this to be done through the British consuls at ports where the ship may be expected.

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[1] Appendix, vol. i, p. 653.

I have the honor to inclose herewith a copy of the order it is proposed to transmit, and will be obliged if your lordship will cause me to be informed whether, upon sending such orders unsealed to the Foreign Office, they can be sent through the proper channels to the consuls or other representatives of Her Majesty at the points indicated, to be by them transmitted, when opportunity admits, to the officer in command of the Shenandoah. These points are Nagasaki in Japan, Shanghai, and the Sandwich Islands.

I trust that your lordship will, from the exigency of the occasion, pardon the liberty I have ventured to take, and will oblige me by having the inclosed copy returned to me.

I have, &c.,
(Signed) J. M. MASON.

Inclosed in this letter was a paper signed "James D. Bullock," giving an account of the downfall of the confederate government and the cessation of the civil war, and purporting to direct the commander of the Shenandoah "to desist from any further destruction of United States property upon the high seas, and from all offensive operations against the citizens of that country."

Mr. Mason was told, in reply, that Earl Russell "has no objection to sending this letter to the places mentioned, and also to Her Majesty's colonial and naval authorities, it being always distinctly understood that the Shenandoah will be dealt with in the courts, if claimed, according to law.

Copies of the letter were sent accordingly to the commander-in-chief of Her Majesty's ships on the China and Pacific stations, and to Her Majesty's officers commanding on other naval stations, except the Mediterranean.

[157] *Reports having subsequently reached Her Majesty's government from Washington, that the Shenandoah continued to capture and destroy United States vessels after her commander had received information that the war was at an end, it was ordered that instructions should be sent to commanders of Her Majesty's ships of war, and to governors of colonies, that she should be seized, if found upon the high seas equipped for war; and, if in a colonial port, should be forcibly detained. It was further ordered that, if so seized or detained, being equipped as a vessel of war, she should be delivered to the nearest authority of the United States, in a port or harbor of that country, or to an officer commanding a United States vessel of war on the high seas.[1]

It was afterward positively affirmed by the commander of the Shenandoah, that, although up to the 28th June, 1865, he had continued to cruise and to make prizes, being then in the Arctic Sea and without news of what had occurred in America, he had, on receiving intelligence of the downfall of the government by which he was commissioned, "desisted instantly from further acts of war," and shaped his course for the Atlantic Ocean.

On the 6th November, 1865, the Shenandoah arrived at Liverpool.[2] She was immediately placed under detention by the officers of customs; and a party of men from Her Majesty's ship Donegal was put on board of her, to prevent her leaving the port. The gun-boat Goshawk was also lashed alongside of her, with orders that she should not be allowed to hoist anchor, nor to light her fires, nor hoist out any property that might be considered as belonging to the Government of the United States. On the inspector general of customs going aboard of the ship, her commander stated that she had come into port with the intention of delivering her up to Her Majesty's government; and he, on the same day, wrote and sent to Her Majesty's secretary of state for foreign affairs a letter which concluded as follows:[1]

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[1] Appendix, vol. i, p. 657.

[2] Ibid., p. 662

> As to the ship's disposal, I do not consider that I have any right to destroy her, or any further right to command her. On the contrary, I think that as all the property of government has reverted, by the fortune of war, to the Government of the United States of America, that therefore this vessel, inasmuch as it was the property of the Confederate States, should accompany the other property already reverted. I therefore sought this port as a suitable one wherein to "learn the news," and, if I am without a government, to surrender the ship with her battery, small-arms, machinery, stores, tackle, and apparel complete to Her Majesty's government for such disposition as in its wisdom should be deemed proper.

Captain Waddell, in this letter, stated that the Shenandoah had been a ship of war under his command belonging to the Confederate States, and that he had commissioned her in October, 1864, under orders from the naval department of the Confederate States, and had cruised in her in pursuance of his orders.

Mr. Adams, on being informed of the arrival of the Shenandoah at Liverpool, wrote as follows to the Earl of Clarendon, then Her Majesty's secretary of state for foreign affairs:[2]

Mr. Adams to Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 7, 1865.

MY LORD: I have the honor to submit to your consideration the copy of a letter received by me from the vice-consul of the United States at Liverpool, touching the arrival yesterday of the vessel known as the Shenandoah at that port.

Although necessarily without special instructions respecting this case, I do not hesitate to assume the responsibility of respectfully requesting Her Majesty's government to take possession of the said vessel with a view to deliver it into the hands of my Government, in order that it may be properly secured against any renewal of the audacious and lawless proceedings which have hitherto distinguished its career.

I perceive by the terms of the vice-consul's letter that some of the chronometers saved from the vessels which have fallen a prey to this corsair are stated to be now on board. I pray your lordship that proper measures may be taken to secure them in such manner that they may be returned on claim of the owners to whom they justly belong.

Inasmuch as the ravages of this vessel appear to have been continued long after she ceased to have a belligerent character, even in the eyes of Her Majesty's government, it may become a question in what light the persons on board and engaged in them are to be viewed before the law. The fact that several of them are British subjects is quite certain. While I do not feel myself prepared at this moment, under imperfect information, to suggest the adoption of any course in regard to them, I trust I may venture to hope that Her Majesty's government will be induced, voluntarily, to adopt that which *may most satisfy my countrymen, who have been such severe sufferers, of its disposition to do everything in its power to mark its high sense of the flagrant nature of their offenses. [158]

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

This letter, with other communications relating to the Shenandoah and her officers and crew, having been referred to the law-officers of the Crown, they, on the same day, (7th November, 1865,) advised as follows:[3]

> In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—
>
> That we think it will be proper for Her Majesty's government, in compliance with Mr. Adams's request, to deliver up to him, on behalf of the Government of the United States, the ship in question, with her tackle, apparel, &c., and all captured chronometers or other property capable of being identified as prize of war, which may be found on board her.

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[1] Appendix, vol. i, p. 667.

[2] Ibid., p. 669.

[3] Ibid., p. 670.

With respect to the officers and crew, we observe that Mr. Adams does not demand their surrender to the United States Government, and that the only question suggested by him is, whether they or any of them ought to be proceeded against, under the direction of Her Majesty's government, for some offense or offenses cognizable by British law. The only offense at which he distinctly points is that of violating the foreign enlistment act, by taking part in hostilities on board of this ship; and, as to this, we think it would be proper, if some of these men are, as he says, British subjects, (by which we understand him to mean natural-born British subjects, for none others are within those provisions of the act which relate to enlistment or acts of war out of this country,) and if evidence can be obtained of that fact, to direct proceedings to be taken against those persons, under the second section of the foreign enlistment act, 59 Geo. III, cap. 59, before they have become dispersed, so as to escape from justice. If the facts stated by Captain Waddell are true, there is clearly no case for any prosecution, on the ground of piracy, in the courts of this country; and we presume that Her Majesty's government are not in possession of any evidence which could be produced before any court or magistrate for the purpose of contravening the statement or of showing that the crime of piracy has, in fact, been committed.

We conceive that the substance of the foregoing observations may properly be embodied in the reply to be given to Mr. Adams, and we think it may not be amiss to add that, of course, Mr. Adams and his Government must be well aware that any proceedings in this country against persons in the situation of the crew of the Shenandoah (as against all others) must be founded upon some definite charge, of an offense cognizable by our laws and supported by proper legal evidence; and that Her Majesty's government are not at present in a position to say whether such a charge, supported by such evidence, can or cannot be brought against any of the persons in question.

With respect to any of the persons on board the Shenandoah who cannot be immediately proceeded against and detained, under legal warrant, upon any criminal charge, we are not aware of any ground on which they can properly be prevented from going on shore and disposing of themselves as they may think fit; and we cannot advise Her Majesty's government to assume or exercise the power of keeping them under any kind of restraint.

We have, &c.,
(Signed)
ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

On a subsequent reference, upon the following day, they again stated their opinion as follows:[1]

With respect to the question whether the officers and crew of the Shenandoah may now be permitted to leave the ship, and to go on shore, we have only to repeat the opinion expressed in our report of yesterday's date, namely, that these persons being now in this country, and entitled to the benefit of our laws, cannot be detained except under legal warrant upon some criminal charge duly preferred against them in the ordinary course of law. If Her Majesty's government are now in possession, or consider it probable that, if an information were laid before a magistrate, they would shortly be in possession of evidence against any of these persons sufficient to justify their committal for trial, either upon any charge of misdemeanor under the foreign enlistment act or upon the graver charge of piracy, we think it would be right and proper to take the necessary proceedings without delay, in order to have such charge duly investigated; but, at the present time, we are not informed of any such evidence in the possession or power of Her Majesty's government by which such a charge would be likely to be established.

We have, &c.,
(Signed)
ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

Instructions were thereupon sent to Captain Paynter, commanding Her Majesty's *ship Donegal, who was in charge of the Shenandoah, that those of her officers and men who were not ascertained to be British subjects, either by their own admission or by the evidence of persons who knew them, should be allowed to quit the vessel with their personal effects. As to those who should be ascertained to be British subjects, inquiry was to be made whether evidence on oath could be obtained against them. Those against whom evidence could be obtained were to be detained and taken before a magistrate, the rest discharged.[2] [159]

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[1] Appendix, vol. i, p. 673.

[2] Appendix, vol. i, p. 676.

Captain Paynter reported, on the 8th November, that on receiving these instructions he had gone on board the Shenandoah, and had ascertained that the crew were all shipped on the high seas. "I mustered the crew, and was fully satisfied that they were foreigners, and that there were none known to be British-born subjects on board; they were therefore all landed with their effects."[1]

Captain Paynter subsequently stated that his conclusion was formed partly on the assurances given him on board by the late commander and officers of the ship, and partly by the answers returned by the men when mustered and questioned, one by one, on their general appearance, and on the absence of any evidence against them. He added that any men who were British subjects, and had formed part of her original crew, might have found means to make their escape while she was in the Mersey.[2]

On this subject the following report was made by the lieutenant commanding the Goshawk:[3]

Lieutenant Cheek to Captain Paynter.

GOSHAWK, ROCK FERRY, *January* 26, 1866.

SIR: In compliance with your order calling on me to report the proceedings on board the Shenandoah during her detention at this port by the British authorities, I have the honor to inform you that agreeably to instructions, dated 6th November, 1865, I proceeded in Her Majesty's gun-boat Goshawk, under my command, and lashed her alongside the vessel.

In the evening Captain Waddell informed me that the vessel having been taken charge of by the custom-house authorities, he considered himself, the officers, and crew relieved from all further charge and responsibility of the ship, and that his authority over the crew would also end.

The following day (November 7) the crew requested that I would allow them to land, none of them having been on shore for more than nine months. I told them that under the circumstances it was not in my power to grant it, and persuaded them to remain quiet for a day or two, till orders should be received from London.

They then demanded to see my authority for detaining them. I explained that I acted under orders from you. They replied that you could have no charge of them without instructions from Earl Russell, the Foreign Office, or the American minister, as they were American subjects.

This evening, as on the previous one, I succeeded in pacifying the crew by reasoning with them.

On the following morning (8th November) the crew were getting riotous, and determined to remain on board no longer. Eight or ten had already deserted. I therefore in a letter to you explained the excited state the crew were in, and that I had heard from one or two of their officers their determination to leave the vessel that evening at all risks. I should, therefore, be compelled to let them escape, or else detain them by force.

The answer I received from you was, that I was to act up to your orders, and the crew were to remain on board, but that you hoped soon to have instructions from London.

I would call your attention to the excited state of the crew by their conduct in attempting to desert, many of them jumping on board the steamer and trying to conceal themselves when you came to muster and examine them, on which occasion I accompanied you into the cabin and heard you question Captain Waddell as to whether he believed any of his crew to be British subjects; he replied in the negative, and stated that he had shipped them all at sea.

On your questioning the officers they also made the same statement.

The first lieutenant mustered the crew from a book of his own, the only list found on board, and you stopped and questioned the men as they passed before you.

Each one stated that he belonged to one or other of the States of America.

The personal baggage of the officers and crew were examined by the custom-house officers to prevent any American property being taken on shore.

On the evening of the 9th November you again came on board the Shenandoah, and met the American consul in the cabin of a tug he had hired to bring him alongside; he then promised to send an officer to take charge of her, as a captured confederate cruiser, on behalf of the American Government.

On the 10th November, Captain Freeman came on board and took charge, under orders from the American consul, and, in compliance with your memorandum, I handed the vessel and stores over to him.

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[1] Appendix, vol. i, p. 678.

[2] Ibid., p. 682.

[3] Ibid., p. 712.

On my leaving the Shenandoah, Captain Freeman hoisted the American ensign and pennant, and proclaimed her a man-of-war.

During the time I was on board I received no information, nor could I obtain [160] any evidence, that *any of the crew were British subjects; had I done so I should have arrested them, and immediately communicated with you for further instructions.

I have, &c.,
(Signed) ALF. CHEEK.

In order to justify the detention of any of the crew it was, by law, necessary to prove by evidence that the persons detained were natural-born British subjects. To allege that they were probably such would not have been sufficient, nor could they have been called upon to prove that they were not such. No evidence tending to prove the British nationality of any of the Shenandoah's crew was furnished or offered to, or was in the possession of, Her Majesty's government or its officers before or at the time when the crew landed and dispersed. A deposition made by one Temple or Jones, a native of Madras, who stated that he had himself enlisted in the ship, and served in her throughout her cruise, was, on the 28th December—about seven weeks after the dispersion of the crew—sent to the Earl of Clarendon by Mr. Adams. It was clearly shown, however, that Temple was a person unworthy of credit, and some of the statements in his deposition were ascertained to be gross falsehoods. The crew of the Shenandoah, if Temple's evidence were to be believed, included Americans, Prussians, Spaniards, Portuguese, Danes, Malays, and Sandwich Islanders. About fifty men were stated by him to have joined her from United States ships.

On the 10th November, 1865, the Shenandoah was delivered to, and accepted by, the consul of the United States, and she soon afterward sailed for New York.

SUMMARY.

The Shenandoah was a steamship built, not for war, but for commercial purposes, and constructed with a view to employment in the China trade. She had been employed by her original owners in a trading voyage to New Zealand and China, and was, when she sailed from the port of London in October, 1864, registered in the name of a Liverpool merchant as sole owner.

She was not, within the jurisdiction of Her Britannic Majesty's government, fitted out, armed, or equipped for war, in any manner or degree, nor in any manner or degree specially adapted for warlike use. She appeared to be, and was in fact, by her construction, fittings, and in all other respects, at the time when she departed from the waters of the United Kingdom, an ordinary merchant steamer, and not a ship of war. She had on board, at the time when she was owned and used as a trading-vessel, two 12-pounder carronades such as are usually carried by vessels of her class for making signals; and these guns passed with the rest of the ship's furniture, when she was sold by her original owners, and remained on board when she sailed in October, 1864. They were guns suitable for use in a merchant-vessel, and not for use in a ship of war. She cleared and sailed from the port of London as for an ordinary trading voyage, under her original name of the Sea King, by which she was known as a trading-vessel. In her stores, and in the coals which she carried as cargo, as well as in her build and equipment, there was, as Her Majesty's government believes, nothing that was calculated to excite, or did excite, in the minds of persons on board of her, any suspicion that she was intended for a different purpose.

Her crew was composed of men who had shipped on board of her in the ordinary way, in the port of London, for a trading voyage. They were hired and signed articles for a voyage from London to Bombay, (calling at any ports or places on the passage,) and any other ports or places in India, China, or Japan, or the Pacific, Atlantic, or Indian Oceans, trading to and from, as legal freights might offer, until the return of the ship to a final port of discharge in the United Kingdom or continent of Europe; the voyage not to exceed two years.

Before or at the time of her arrival at the Madeira Islands, she was sold by her owner to the government of the Confederate States. Either on the high seas or in Portuguese waters she was transferred to an officer commissioned by the government of the Confederate States, who then took possession and control of her; and the master, officers, and crew who had come out in her from England (three or four men only excepted) left her at that time, and returned to England. The three or four men who remained on board the ship were one of the engineers, a common sailor, and one or two firemen. They are stated to have enlisted when under the influence of liquor.

[161] *The commander who had taken possession of the ship, and his officers, (who, like him, were Americans,) employed the strongest inducements in order to persuade the ship's crew to enlist, by the offer of large bounties, by the promise of high wages and prize-money, by exhibiting money to them, and by lavish supplies of liquor. These inducements, however, were used in vain, except in the case of the three or four men above mentioned.

The ship was also joined by a few men who had come in the steamer Laurel. At the time when she commenced cruising, her whole crew, exclusive of officers, was from seventeen to nineteen men. The number of men who would commonly be shipped to work a vessel of her size as a merchant-ship would be from forty to fifty, which was the number that actually went out in her. As a ship of war she would require a larger number than that. It appears that before she arrived at the port of Melbourne, her crew had been increased to a complement of from seventy to eighty men, exclusive of officers, (who were about twenty,) by the addition of men who joined her from captured American vessels.

The commander and officers of the Shenandoah (excepting, as some deponents stated, one of the lieutenants, who had taken a passage in her from London as an ordinary passenger, concealing his purpose and official character) came on board of her, for the first time, after she had arrived near to a detached group of islands belonging to the Madeiras, and called the Desertas. They came out as passengers in the Laurel steamer, which cleared on the 8th October, from Liverpool for a voyage to Matamoras *via* Havana and Nassau. They took the control of the ship, and, by their orders, her guns (other than the two small 12-pounders above mentioned) and all her ammunition were put on board of her from the Laurel. These acts were done either within Portuguese waters or on the high seas. The vessel afterward hoisted the confederate flag and commenced cruising. Her commander was a lieutenant commander in the naval service of the Confederate States, appointed by the naval department of that government to command the Shenandoah.

Of the vessels captured by the Shenandoah a considerable number were captured before she arrived at a British colony.

The earliest intelligence respecting the Shenandoah which reached Her Majesty's government was received from Her Britannic Majesty's consul at Teneriffe. Up to that time (that is, until the 12th November, 1864, five weeks after she left London) no representation respecting her had been made by Mr. Adams, and no information about her had been conveyed to or come into the possession of Her Majesty's government.

Immediately on the receipt of the British consul's report, and before any representation had been made or information furnished by the minister of the United States, Her Majesty's government took the opinion of its legal advisers on the question whether legal proceedings could be instituted against Corbett, the master of the ship, for his share in the transaction, and the master was, in fact, indicted and brought to trial, but was acquitted by the jury, the evidence as to his acts being doubtful and conflicting.

The commander of the Shenandoah on arriving in the port of Melbourne addressed to the governor an application in writing, stating that she was a steamer belonging to the Confederate States, and asking for permission to make necessary repairs and obtain necessary supplies of coal. Permission was granted to him to remain in the waters of the colony a sufficient time for receiving the provisions and things necessary for the subsistence of the ship's crew, and for effecting needful repairs. The commissioner of trade and customs for the colony was at the same time instructed to take every precaution in his power against the possibility that her commander might attempt to augment her armament in any degree, or to render the armament which she possessed more effective. The officers of the government were directed to attend to this, and to furnish daily reports of the progress made with the repairs and provisioning of the ship. Competent persons were appointed to ascertain whether repairs were really necessary and to report to the governor on the subject, and these persons reported that she was not in a fit state to go to sea, and that repairs were necessary, for which the vessel would have to be placed on a slip. The slip, though the property of the colonial government, was not under its control, but under that of a private person to whom it had been leased by the government.

Permission to land from the vessel stores which she did not require for use was asked, but refused by the governor, on the advice of his law-officers.

The commander of the ship was required to fix the earliest day on which she would be ready to sail, and to take his departure on the day so fixed; and she departed accordingly.

Three persons discovered to have gone on board the ship for the purpose of joining her crew were prosecuted and brought to trial.* Two were punished, the third released without punishment by reason [162] of his youth. A fourth was discharged, being found to *be an American. These were the only persons who could be ascertained, before she left Melbourne, to have joined or attempted to join her; and her commander gave his word in writing, as commander of the ship, that there were no persons on board of her except those whose names were on the shipping articles; that no one had been enlisted in the service of the Confederate States since his arrival, and that he had in no way violated the neutrality of the port.

It was not the duty of the colonial government to seize or forcibly search the Shenandoah while in the waters of the colony, nor could it have done so without transgressing the rules of neutrality and the settled practice of nations.

No personal communication took place between the governor and the commander of the ship while she remained in the waters of the colony.

The discovery having afterward been made that, notwithstanding the vigilance exercised by the officers of the colonial government, persons had been secretly put on board the ship during the night preceding her departure, notice of this was sent by the governor to the governors of the other Australian colonies and of New Zealand.

Her Britannic Majesty having subsequently received reports, which appeared to be worthy of credit, to the effect that the Shenandoah was continuing to capture and destroy merchant-vessels after her commander had been informed of the cessation of the civil war, gave directions that she should be seized in any port of Her Majesty's colonial possessions, or on the high seas, and should be delivered over to officers of the United States. But the truth of these reports was positively denied by her commander on his arrival at Liverpool, and Her Majesty's government has no reason to believe that the denial was untrue.

On arriving at Liverpool the vessel was secured by the officers of the government, and was handed over to the Government of the United States, on the express request of Mr. Adams.

The crew were detained on board for some days by the officers of the government. No evidence being within that time given, offered, or discovered against any of them, they were at the end of it suffered to land and disperse. More than six months had at this time elapsed since the end of the civil war.

The Shenandoah was at sea during more than twelve months, from the time at which her cruise began. She was never, so far as Her Majesty's government is aware, encountered or chased by a United States ship of war, and no endeavor to intercept or capture her appears to have been made by the Government of the United States.

Her Britannic Majesty's government denies that, in respect of the Shenandoah, there was on its part any failure of international duty for which reparation is due from Great Britain to the United States.

[163] *PART IX.

RECAPITULATION OF FACTS PREVIOUSLY STATED.

PART IX.—Recapitulation.

The statements of fact which have been placed before the arbitrators may be recapitulated as follows:

Of the four vessels in respect of which alone the United States have, up to this time, made claims against Great Britain, two—the Georgia and Shenandoah—were never, in any manner or degree, within the dominions of Her Majesty, fitted out, armed, or equipped for war, or specially adapted to warlike use. They were constructed and fitted in a manner suitable to merchant-ships. One of them, the Shenandoah, was not only built for a merchant-ship, but had been owned and used as such before she was purchased by the government of the Confederate States; and her condition and equipment when she departed from Great Britain, and when she came into the possession of the government of the Confederate States, were, so far as appears, the same in all material respects as they had been when she was owned and employed as a trading vessel. This vessel, according to the evidence which has been brought to the knowledge of Her Majesty's government, was sold and transferred to the government of the Confederate States after she had departed from Her Majesty's dominions.

No information whatever respecting these two vessels respectively was conveyed to Her Britannic Majesty's government by the minister or consular officers of the United States, or came to the knowledge of that Government, until they had respectively departed from Her Majesty's dominions. Her Britannic Majesty's government had no ground to believe or suspect that they or either of them were or was intended to be delivered to the government of the Confederate States or its officers, or employed in cruising or carrying on war against the United States. If the minister or consuls of the United States had had any such grounds of belief or suspicion, they were not communicated to the government of Her Britannic Majesty.

The other two vessels, the Alabama and Florida, though suitable by their construction for vessels of war, were not armed for war when they respectively departed from the waters of the United Kingdom. They had then no armament whatever, and they did not receive any until after they had arrived at places very remote from Great Britain, and out of the control of Her Majesty's government.

As to one of these two, the Florida, no information supported by evidence proving, or tending to prove, that she was intended to cruise or carry on war against the United States, was conveyed to or received by Her Britannic Majesty's government previously to her departure from the United Kingdom. On her first arrival in a British colony this vessel was seized under the authority of the governor, but was released for want of proof, by the decree of a court of competent jurisdiction.

The Florida, before engaging in any operation of war, entered a port of the Confederate States. She remained there for more than four months; she there enlisted and shipped a crew, and was put in suitable condition for cruising, and she was from thence sent out to cruise.

In the case of one vessel only, the Alabama, admissible evidence tending to prove the existence of an unlawful intention was furnished to Her Britannic Majesty's government before the departure of the ship. This evidence was supplied little by little, the last installment of it being delivered on the fourth day before her departure. She put to sea unregistered and without a clearance, under the pretense that she was about to make a trial trip and return to her moorings. The circumstances under which the evidence relating to this vessel was received, referred to the legal advisers of the government, and by them considered and reported on, are stated in Part VI of this case.

All the information furnished by Mr. Adams to Her Majesty's government, as well in relation to the Alabama as in relation to each of the three other vessels hereinbefore specified, was referred by the secretary of state for foreign affairs, with the utmost expedition, to the proper departments of the government, for inquiry, and in order that measures might be immediately taken, should occasion so require, for the due enforcement of the law. Inquiry was accordingly made in every
[164] case. In cases of the Georgia and *the Shenandoah, nothing could be done, since each of these vessels had already departed from Her Majesty's dominions. In that of the Florida no evidence of unlawful intention was or could be obtained while she was within the United Kingdom. In that of the Alabama, the persons having possession of the ship carried her to sea before the order for seizing her was given.

In estimating the reasonableness of the views acted upon by Her Majesty's government as to the sufficiency of the information and evidence from time to time submitted to them respecting apprehended infractions of the law by the construction and equipment of warlike vessels for the service of the Confederate States, it is necessary throughout to bear in mind not only that the trade of ship-building is a great and important branch of industry, which Her Majesty's government was not required by any international duty to place under restrictions unauthorized by law, and over which it was not justified in assuming any arbitrary control, but also that the principal firms of British shipbuilders had been for a long time in the habit of entering into contracts with foreign governments in all parts of the world for the construction, equipment, and sale of ships of war; such contracts being privately negotiated, in the ordinary course of business, without any power on the part of the government to inquire into or interfere with them. No presumption, therefore, as to the real destination of any such vessel would in any case arise from the mere fact of her having a warlike character, although she might be in course of building during a state of war between particular powers, while others were at peace.

In the papers relating to the iron-clad rams at Liverpool, ample illustration will be found of the difficulties which were liable to arise from this state of things whenever it became necessary to prove the actual purpose for which a ship of this character was being constructed, difficulties which, in the end, rendered it ultimately advisable for Her Majesty's government to pay a very large sum of money for the purchase of the rams rather than risk the uncertain result of a trial.

The four vessels above specified were procured from British ports, or purchased from British owners, by the persons comprising the *de facto* government of the Confederate States through their agents, and passed into the possession and control of that government. After possession had been so acquired they were respectively armed for war, by the orders of that government, were commissioned as ships of war, and were commanded and officered by American citizens holding commissions in its naval service.

The crews of these vessels were enlisted on the high seas or elsewhere out of the jurisdiction of Her Majesty's government, and, in the case of the Florida, chiefly in a port of the Confederate States. They were composed partly of British subjects, whom the American officers induced by persuasion and by promises of reward to take service when at a distance from England. The solicitations of the American officers were sometimes successful in inducing British seamen to serve; sometimes they were exerted in vain. But the vessels were also manned to a considerable extent with Americans and others drawn from the crews of American ships captured by them; though it is right to add that in the case of some of the latter class who left the Shenandoah at Melbourne, it was alleged that threats and ill usage had been employed in order to induce them to join.

These vessels, after having been armed for war, were received as vessels of war in the ports of Great Britain as well as in those of the other neutral countries visited by them. In British ports they were received on the same footing as in those of other neutral nations, and were allowed to repair and purchase supplies on the same conditions as armed vessels of the United States, without favor or partiality, careful precautions being employed to prevent any renewal or augmentation of their warlike force within British waters.

No serious endeavors to intercept or capture any of these vessels, during the times of their respective cruises, appear to have been made by the Government of the United States; and the losses inflicted by them would probably have been in great measure averted had reasonable activity and diligence been exerted by that Government and its officers for that purpose.

The general course of Her Britannic Majesty's government throughout the war was governed by a strict regard for the obligations of neutrality and a sincere desire to fulfill them; and this is apparent as well from the facts which have been stated in relation to the four vessels above specified, as from the other facts stated in the earlier parts of this case.

Thus it has been seen—

That, beside the Florida and Alabama, many other ships were believed and asserted by Mr. Adams to be fitting out in British ports for the purpose of carrying on war against the United States, and were made the subject of representations to Her Majesty's government.

That in every case, without exception, the allegations of Mr. [165] Adams were promptly *and carefully investigated; that in the greater number of cases Mr. Adams proved to be mistaken, the suspected ships being merely merchant-ships, built and fitted out with a view to a special employment, and not for war; that in all cases as to which reasonable evidence could be obtained the suspected vessels were seized and proceedings instituted for the condemnation of them; that four were thus seized—the Alexandra, the two iron-clads, and the Canton or Pampero—and were prevented from being used for belligerent purposes; and one of them, the Alexandra, having been seized in England and restored by the verdict of a jury, was afterward seized again in a British colony.

That during the whole period of the war, which lasted for four years, no vessel armed for war was sent out or procured from British ports for belligerent use; and that of vessels specially adapted by construction for warlike use, two only, the Florida and Alabama, were so procured in the manner and under the circumstances above described; while of these two one only, the Alabama, escaped and came into the possession of the confederate government without having undergone a seizure and trial.

Finally, it has been seen that the government of Her Britannic Majesty, not content with carefully performing, to the utmost of its power, its recognized international obligations, overstepped, on more than one occasion, the actual limit of those obligations, for the sake of preventing anything whatever which might compromise, or be reasonably thought to compromise, its neutrality; and, in particular, that, in order to prevent vessels which had been armed or built for war within Great Britain from passing into the hands of a belligerent, a large expenditure was twice voluntarily incurred, much of it without any equivalent, in addition to the costs and charges occasioned by unsuccessful proceedings in courts of law.

[166] *PART X.

REMARKS IN CONCLUSION.

PART X.—Concluding remarks.

Her Britannic Majesty's government has now stated, for the information of the arbitrators, the principal facts which it believes to be material to a just adjudication on the claims urged on the part of the United States. In so doing, Her Majesty's government has been under the unavoidable disadvantage of having to meet a case which has not yet been presented. When that shall have been done, and the claims of the United States shall have been clearly ascertained, Her Majesty's government will avail itself of the opportunity which it will have, under Article IV of the treaty, to submit to the tribunal such additional or more ample statement of facts as may then appear to be necessary. It forbears, also, until a comparison of the cases submitted on both sides shall have shown what points are really in dispute between the two governments, to enter into argument in support of its own position, and will, for the present, content itself with placing before the tribunal the considerations which follow.

That vessels should, under whatever circumstances, have been procured from British ports for warlike use, and employed as belligerent cruisers against the United States, Great Britain herself being neutral, has been a subject of displeasure and regret to Her Britannic Majesty's government. This regret is not removed by the facts, material as they undoubtedly are to a just appreciation of the question, that the vessels were obtained by means of artifice and concealment, which defeated the vigilance of the officers of the government; that all of them, when they respectively departed from Her Majesty's dominions, were wholly unarmed, and some of them constructed as mere merchant-ships, without any special adaptation for war; that they were few in number; and that the persons who gained possession and control of them, and by whom they were used for war, were themselves, as the Government of the United States has never ceased to maintain, American citizens. Circumstances such as these must greatly affect, in the judgment of any impartial person, the question as to the responsibility of the neutral government. Yet it is nevertheless true that the acts themselves, being such as, if done or authorized by the neutral government, would have compromised its neutrality, had an inevitable tendency to disturb its relations with the belligerent against whom they were directed. Her Majesty's government, therefore, has not hesitated to express its regret, frankly and publicly, to the Government of the United States, and has permitted the expression of it to be placed on record in the treaty which has been concluded between the two powers.

But the Government of the United States insists that it is entitled to satisfaction in money for claims which it asserts have arisen out of acts of these vessels—that is, out of operations of war carried on, by means of them, by the persons in possession of them for the time being. It is manifest that this contention is one which Her Britannic Majesty's government, although animated by the most friendly feelings toward the United States, could not, with due regard for its own rights and those of neutral nations in general, consent to acknowledge, not believing it to be just. It is a claim of strict right, and can be supported only by clearly establishing that an international duty, owed by Great Britain to the United States, has been violated by Great Britain, and by showing further that an appreciable injury has accrued directly from this cause to the United States, for which Great Britain ought, in justice, to make reparation in money. It is for the Government of the United States, then, to substantiate these positions, to specify clearly the international duty or duties on which it relies, and to prove the violation of which it complains.

A charge of injurious negligence on the part of a sovereign government, in the exercise of any of the powers of sovereignty, needs to be sustained on strong and solid grounds. Every sovereign government claims the right to be independent of external scrutiny or interference in its exercise of these powers; and the general assumption that they are exercised with good faith and reasonable care, and that laws are fairly and properly administered, (an assumption without which peace and friendly intercourse could not exist among nations,) ought to subsist until it has been displaced by proof to the contrary. It is not enough to suggest or prove that a government, in the exercise of a reasonable judgment on some question of fact or law, and using the means of information at its [167] *command, has formed and acted on an opinion from which another government dissents or can induce an arbitrator to dissent. Still less is it sufficient to show that a judgment pronounced by a court of competent jurisdiction, and acted upon by the executive, was tainted with error. An administrative act founded on error, or an erroneous judgment of a court, may indeed, under some circumstances, found a claim to compensation on behalf of a person or government injured by the act or judgment. But a charge of negligence brought against a government cannot be supported on such grounds. Nor is it enough to suggest or prove some defect of judgment or penetration, or somewhat less than the utmost possible promptitude and celerity of action on the part of an officer of the government in the execution of his official duties. To found on this alone a claim to compensation, as for a breach of international duty, would be to exact, in international affairs, a perfection of administration which few governments or none attain in fact, or could reasonably hope to attain, in their domestic concerns; it would set up an impracticable, and therefore an unjust and fallacious standard, would give occasion to incessant and unreasonable complaints, and render the situation of neutrals intolerable. Nor, again, is a nation to be held responsible for a delay or omission occasioned by mere accident, and not by the want of reasonable foresight or care. Lastly, it is not sufficient to show that an act has been done which it was the duty of the government to endeavor to prevent. It is necessary to allege and to prove that there has been a failure to use, for the prevention of an act which the government was bound to endeavor to prevent, such care as governments ordinarily employ in their domestic concerns, and may reasonably be expected to exert in matters of international interest and obligation. These considerations apply with especial force to nations which are in the enjoyment of free institutions, and in which the government is bound to obey, and cannot dispense with the laws.

If the tribunal should come to the conclusion that Great Britain has incurred any liability to the United States, the question will then arise what should be deemed the just measure and extent of that liability. Her Britannic Majesty's government abstains at present from entering into that question, and will reserve such observations as may be fitly offered in relation to it on the part of Great Britain to a later stage of the proceedings. Here it is sufficient to remark that a claim on the part of a belligerent to be indemnified at the expense of a neutral for losses inflicted or occasioned by any of the ordinary operations of war, on the plea that those operations were assisted or facilitated by negligence on the part of the neutral government, is one which involves grave considerations and requires to be weighed with the utmost care. Losses of which such negligence is the direct and proximate cause, (and it is in respect of such only that compensation could justly be awarded,) are commonly not easy to separate from those springing from other causes. Success in warlike operations is generally due not only to the force possessed, but to the skill and courage exerted by the successful combatant. If claims of this nature were to be freely admitted, a belligerent might demand to be indemnified by the neutral against consequences fairly attributable, in part or altogether, not to the fault of the latter but to his own want of capacity and enterprise. Her Majesty's government has been compelled to point out that in respect of the vessels to which the foregoing statement relates there was, on the part of the Government of the United States or its officers, an extraordinary remissness in using the naval forces at their disposal, and that if ordinary activity had been exerted in the endeavor to intercept and capture these vessels, the losses of which the United States now complain would probably have been in great measure averted. It cannot be consistent with any reasonable view of international obligations that a belligerent state, alleging itself to be aggrieved by some imputed negligence of a neutral government, should on that account claim indemnity from the neutral for losses in the course of warlike operations which it has not actively and diligently exerted itself to prevent or arrest.

It was the constant aim of Her Britannic Majesty's government throughout the war to observe with fidelity and exactness the obligations, and to maintain unimpaired the rights, which the law and practice of nations have assigned to neutral powers. In upholding those rights all the nations of the world are interested; and it was the duty of Great Britain, as a maritime power of the first order, brought by circumstances into closer contact with the war than any other state, to resist on the one hand any encroachment on them, and to abstain on the other from any attempt to extend them beyond the just and expedient limits traced out by international law. Her Majesty's government has given the best proof of its sincerity in these respects, as well as its earnest desire to promote the pacific and amicable settlement of international differences, by proposing and agreeing to refer to the judgment of impartial arbitrators the question whether, in the matters complained of by the United States, it has failed to discharge any international duty. In deciding on the question submitted to it, the tribunal will be called upon to apply to *them principles and [168] considerations of wide application, not confined to maritime neutrality, nor to the acts and conduct of maritime nations alone. Great Britain is prepared to accept the award, whether favorable or unfavorable to her. She desires only that it shall be just. She claims only that it shall be founded on a true and equitable interpretation of the law of nations, and on principles which she herself and all other powers may be satisfied, whether as neutral or as belligerent, to acknowledge and abide by in time to come.

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PRESENTED ON THE PART OF THE

GOVERNMENT OF HER BRITANNIC MAJESTY.

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FLORIDA.

FLORIDA.—Correspondence.

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, February 18, 1862. (Received February 19.)

Departure from Liverpool.

First representation by Mr. Adams.

MY LORD: I have the honor to submit to your consideration the copy of an extract of a letter addressed to me by the consul of the United States at Liverpool, going to show the preparation at that port of an armed steamer evidently intended for hostile operations on the ocean. From the evidence furnished in the names of the persons stated to be concerned in her construction and outfit, I entertain little doubt that the intention is precisely that indicated in the letter of the consul, the carrying on war against the United States. The parties are the same which dispatched the Bermuda, laden with contraband of war at the time, in August last, when I had the honor of calling your lordship's attention to her position, which vessel then succeeded in running the blockade, and which now appears to be about again to depart on a like errand.

Should further evidence to sustain the allegations respecting the Oreto be held necessary to effect the object of securing the interposition of Her Majesty's government, I will make an effort to procure it in a more formal manner.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 1.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, February 17, 1862.

Statement of Consul Dudley.

SIR: The gun-boat Oreto is still at this port. She is making a trial trip in the river to-day. No armament as yet on board. She has put up a second smoke-stack since I wrote you. She therefore has two funnels, three masts, and is bark-rigged. I am now informed that she is to carry eight rifled cannon, and two long swivel-guns on pivots so arranged as to rake both fore and aft. No pains or expense has been spared in her construction, and when fully armed she will be a formidable and dangerous craft, in strength and armament quite equal to the Tuscarora; so I should judge from what I learn.

Mr. Miller, who built the hull, says he was employed by Fawcett, Preston & Co., and that they own the vessel. I have obtained information from many different sources, all of which goes to show that she is intended for the southern confederacy. I am satisfied that this is the case. She is ready to take her arms on board. I cannot learn whether they are to be shipped here or at some other port. Of course she is intended as a privateer. When she sails it will be to burn and destroy whatever she meets with bearing the American flag.

[2] *The Herald sailed for Charleston on Saturday last; Captain Coxeter went out in her. The Bermuda will sail this week.

I have, &c.,

(Signed) H. DUDLEY, *United States Consul.*

P. S.—The gun-carriages for the Oreto, I have just learned, were taken on board on Friday night last, in a rough state, and taken down in the hold. Frazer, Trenholm & Co. have made advances to Fawcett, Preston & Co., and Miller, the builder.

H. D.

No. 2.

Mr. Hammond to the secretary to the treasury.

[Immediate.]

FOREIGN OFFICE, *February* 19, 1862.

Immediate inquiries to be made.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from Mr. Adams, inclosing an extract of a letter from the United States consul at Liverpool,[1] in which he calls attention to a steam-vessel called the Oreto, reported to be fitting out at Liverpool as a southern privateer; and I am to request that you will move the lords commissioners of Her Majesty's treasury to cause immediate inquiries to be made respecting this vessel, and to take such steps in the matter as may be right and proper.

I am, &c.,

(Signed) E. HAMMOND.

No. 3.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 19, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date calling the attention of Her Majesty's government to a steam-vessel now fitting out at Liverpool, which you state it is believed is about to be dispatched with a view of making war against the people of the United States; and I have to acquaint you that I have lost no time in communicating with the proper department of Her Majesty's government on this subject.

I am, &c.,

(Signed) RUSSELL.

No. 4.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
February 24, 1862. (Received May 24.)

Report from customs.

SIR: I am directed by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell—with reference to your letter of the 19th instant—copy of a report of the commissioners of customs, dated 22d instant, relative to the steamer Oreto, stated, in a communication from the United States consul, to be fitting up at Liverpool as a southern privateer.

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[1] No. 1.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 4.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *February* 22, 1862.

Your lordships having referred to us the annexed letter from Mr. Hammond, transmitting, by desire of Earl Russell, copy of a letter from Mr. Adams, inclosing an [3] *extract of a communication from the United States consul at Liverpool, in which he calls attention to a steam-vessel called the Oreto reported to be fitting out at Liverpool as a southern privateer, and requesting that immediate inquiries may be made respecting this vessel,

We report—

That, on the receipt of your lordships' reference, we forthwith instructed our collector at Liverpool to make inquiries in regard to the vessel Oreto, and it appears from his report that she has been built by Messrs. Miller & Sons for Messrs. Fawcett, Preston & Co., engineers, of Liverpool, and is intended for the use of Messrs. Thomas Brothers, of Palermo, one of that firm having frequently visited the vessel during the process of building.

Vessel said to be for the Italian government.

The Oreto is pierced for four guns; but she has, as yet, taken nothing on board but coals and ballast. She is not, at present, fitted for the reception of guns, nor are the builders aware that she is to be supplied with guns while she remains in this country. The expense of her construction has been paid, and she has been handed over to Messrs. Fawcett & Preston. Messrs. Miller & Sons state their belief that her destination is Palermo, as they have been requested to recommend a master to take her to that port, and our collector at Liverpool states that he has every reason to believe that the vessel is for the Italian government.

We beg further to add that special directions have been given to the officers at Liverpool to watch the movements of the vessel, and that we will not fail to report forthwith any circumstance which may occur worthy of your lordships' cognizance.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

No. 5.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 26, 1862.

Copy of customs report forwarded to Mr. Adams.

SIR: With reference to my letter of the 19th instant, on the subject of the steamer Oreto, which was believed, from reports you had received, to be fitting out at Liverpool with a view to acting hostilely against the people of the United States, I have the honor to transmit to you herewith a copy of a letter from the commissioners of customs to the lords commissioners of Her Majesty's treasury,[1] reporting the result of the investigations which they had caused to be instituted with regard to the vessel in question.

I am, &c.,
(Signed) RUSSELL.

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[1] Inclosure in No. 4.

No. 6.

Earl Russell to Sir J. Hudson.

[Telegraphic.]

FOREIGN OFFICE, *February* 26, 1862.

Inquiries made of Italian government.

Ascertain and report to me whether a vessel called the Oreto, now fitting out at Liverpool, is intended for the use of the Italian government.

No. 7.

Sir J. Hudson to Earl Russell.

[Telegraphic.]

TURIN, *March* 1, 1862. (Received March 1.)

Italian government know nothing of Oreto; but will inquire.

Ricasoli tells me that he has no knowledge whatever of the ship Oreto; but will cause inquiry to be made.

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[4] *No. 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, *March* 25, 1862. (Received March 26.)

Further representation by Mr. Adams.

MY LORD: I have the honor to submit to your consideration the copy of a letter received from the consul of the United States at Liverpool, touching the case of the steam gun-boat Oreto, which I have already made the subject of a communication some time ago. It is with great reluctance that I am driven to the conviction that the representations made to your lordship of the purposes and destination of that vessel were delusive, and that though at first it may have been intended for service in Sicily, yet that such an intention has been long since abandoned, in fact, and that the pretense has been held up only the better to conceal the true object of the parties engaged. That object is to make war on the United States. All the persons thus far known to be most connected with the undertaking are either directly employed by the insurgents in the United States of America or residents of Great Britain, notoriously in sympathy with and giving aid and comfort to them on this side of the water.

It is with the deepest regret that the President directs me to submit to Her Majesty's government a representation of the unfortunate effect produced upon the minds of the people of the United States, from the conviction that nearly all of the assistance that is now obtained from abroad by the persons still in arms against their Government, and which enables them to continue the struggle, comes from the kingdom of Great Britain and its dependencies. Neither is the impression relieved by the information that the existing municipal laws are found to be insufficient, and do not furnish means of prevention adequate to the emergency. The duty of nations in amity with each other would seem to be plain not to suffer their good faith to be violated by ill-disposed persons within their borders merely from the inefficacy of their prohibitory policy. Such is the view which my Government has been disposed to take of its own obligations in similar cases, and such, it doubts not, is that of all foreign nations with which it is at peace. It is for that reason I deprecate the inference that may be drawn from the issue of the investigation which your lordship caused to be made in the case of the Oreto, should that vessel be ultimately found issuing safely from this kingdom and preying on the commerce of the people of the United States. Not doubting myself the sincerity and earnest desire of your lordship to do all that is within your power to fulfill every requirement of international amity, it is to be feared that all the favorable effect of it may be neutralized by the later evidence of adverse results. It is no part of my intention to imply the want of fidelity or of good-will in any quarter. I desire to confine myself closely within the pale of my duty, a representation of the precise causes of uneasiness between the two countries, and an earnest desire to remove them. Firmly convinced that the actual position of things in connection with the hostile equipment in British waters by no means does justice to the true disposition of Her Majesty's government, I am anxious to place the matter before your lordship in such a light as to obtain the evidence more perfectly to establish the truth.

Complaints of blockade-running.

I am further instructed to say that, well aware of the embarrassment and losses sustained by the nations with which the United States are in amity, through the operation of the restrictive measures to which the Government has felt itself obliged to have recourse in its efforts to suppress the insurrection within its borders, it has ever been its desire to hasten the moment when it might be practicable to rescind them consistently with the attainment of its great object. But to that end much must necessarily depend upon the degree in which co-operation with its policy or the contrary may be experienced from without. It is obvious that just in proportion to the success of the efforts made by the ill-intentioned people of foreign countries to violate the blockade must be the endeavors to enforce it with increased stringency. So also in proportion to the success of such persons in supplying by violation of law the insurgents with the means of continuing their resistance, must be the delay in restoring to all honest people the customary facilities of trade and intercourse to which they are justly entitled. It has not been without great regret that the Government has been compelled to observe the extent to which Her Majesty's flag has been abused to subserve the purposes of the disaffected, and thus to continue the present depressed condition of legitimate trade. A very great proportion of the vessels which attempt to violate the blockade appear to be fitted out directly from Great Britain or some of her dependencies. The effect of permitting such violations of good faith to go unnoticed by government is not merely to create an unfortunate degree of irritation in America, implicating many far beyond the sphere of the unworthy parties concerned in producing it, but to postpone proportionately
[5] *the prospects of bringing about a better state of things. It is for this reason, as well as from a desire earnestly felt by the President to maintain unbroken all the customary relations of amity with Great Britain, that I have been directed to make the present representation. Any suggestion of the means best adapted to remedy the evils complained of is deemed a matter exclusively within the competency of those in whom the decision to act is vested. Disclaiming every wish to solicit more than my Government would in its turn be

prepared under similar circumstances to concede, and entertaining full confidence in the disposition of Her Majesty's ministers on their part to act to the utmost of their ability in the same spirit, I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 8.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, March 22, 1862.

SIR: The Oreto is still in the river. A flat-boat has taken part of her armament to her. A part of the crew of the steamer Annie Childs, which came to this port loaded with cotton, have just left my office. They tell me that Captain Bullock is to command the Oreto, and that four other officers for this vessel came over with them in the Childs. The names of three are Young, Low, and Maffet or Moffit, the fourth was called Eddy; the two first are lieutenants, and the two last-named midshipmen. They further state that these officers during the voyage wore naval uniforms; that they came on the Childs at a place called Smithville, some twenty miles down the river from Wilmington; that it was talked about and understood by all on board that their object in coming was to take command of this vessel, which was being built in England for the southern confederacy. They further state that it was understood in Wilmington, before they left, that several war-vessels were being built in England for the South. As they were coming up the river in the Childs, as they passed the Oreto, she dipped her flag to the Childs. I have had this last from several sources, and the additional fact that the same evening, after the arrival of this steamer, a dinner was given in the Oreto to the officers who came over in the Childs. I understand she will make direct for Madeira and Nassau.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

No. 9.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *March* 26, 1862.

The vessel to be vigilantly watched, and detained if any armament prohibited by the foreign enlistment act is discovered.

SIR: With reference to your letter of the 24th ultimo, I am directed by Earl Russell to transmit to you a copy of a further letter addressed by the United States consul at Liverpool to Mr. Adams, United States minister for foreign affairs,[1] in which it is again affirmed that the Oreto is being fitted out as a vessel of war for the southern confederacy, and various statements are reported in support of that assertion.

I am to request that you will lay the letter of the United States consul before the lords commissioners of Her Majesty's treasury, and move their lordships to instruct the commissioners of customs to give directions that the Oreto may be vigilantly watched, and that if any armament prohibited by the foreign enlistment act is discovered, the vessel may be at once detained.

It would appear certain that the Oreto is not intended for service either in Italy or Sicily.

I am, &c.,
(Signed) E. HAMMOND.

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[1] Inclosure in No. 8.

[6] *No. 10.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 27, 1862.

Reply to Mr. Adams's representations.

SIR: Upon receiving your letter of the 25th instant I immediately directed that the treasury and customs department should be requested to take such steps as may be necessary to ascertain whether the Oreto is equipped for the purpose of making war on the United States, and if that fact can be proved to detain the vessel.

The charge that nearly all the assistance now obtained from abroad by the persons still in arms against the Government of the United States, and which enables them to continue the struggle, comes from Great Britain and its dependencies, is somewhat vague. I believe the greater part of the arms and ammunition sent from this country to America during the struggle has gone to the United States.

I agree with you in the statement that the duty of nations in amity with each other is not to suffer their good faith to be violated by ill-disposed persons within their borders, merely from the inefficacy of their prohibitory policy. But it is, at the same time, a duty not to punish persons on suspicion without any proof of their evil intent. It is not the custom of this country to deprive any person of liberty or property without evidence of some offense. If such evidence can be obtained the laws are sufficient to prevent the accomplishment of their evil designs against friendly nations.

You have not yourself hitherto furnished me with evidence that any vessel has received a hostile or warlike equipment in British waters, which has been afterward used against the United States. The care that was taken to prevent the warlike equipment of the Nashville in British waters must be familiar to your recollection.

With regard to co-operation with the policy of the United States in respect to the blockade, I must remind you that Great Britain has abstained, as far as possible, from complaints of the irregularity of the blockade which has been instituted. Her Majesty's government has been mindful of the suddenness of the danger with which the United States were threatened; of the inadequacy of the naval force then at the disposal of the Government, and of the great difficulty of blockading a coast of 3,000 miles.

But beyond forbearance, and a liberal interpretation of the law of nations in favor of the United States, Her Majesty's government cannot go. If by co-operation with the policy of the United States is meant, either taking part is the civil war still raging, or imposing restraints on the Queen's subjects, unknown to international law, I cannot undertake that Her Majesty's government will adopt either of those courses. It would be an unheard of measure to prohibit merchants from sending ships to sea destined to the southern ports. Should such ships attempt to violate the blockade, capture and condemnation are the proper penalty of such attempts; no authority can be found for any other.

Enlistment of British subjects in the United States.

But while these attempts are made on the one side, the United States Government have willingly received in the ranks of their Army British subjects who violate the Queen's proclamation in order to serve against the confederates. Nay, the law of the United States, by which parents can prevent the enlistment of their sons, being minors, has been set aside to the prejudice of British subjects, the fathers and mothers of thoughtless lads of sixteen or seventeen years of age.

These evils are, perhaps, inseparable from the unhappy contest now carried on in America. I can only trust it may have a speedy termination, suitable to the reputation of the United States, and conducive to the future happiness of all the inhabitants of a country so lately prosperous and united.

I am, &c.,
(Signed) RUSSELL.

No. 11.

Sir J. Hudson to Earl Russell.

TURIN, *March* 25, 1862. (Received March 29.)

Italian government know nothing of Oreto.

MY LORD: M. Ratazzi informs me that, after making every inquiry, he can assure me that the Italian government know nothing whatever of the vessel Oreto, said to be fitting out at Liverpool.

I have, &c.,
(Signed) JAMES HUDSON.

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[7] *No. 12.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *April* 7, 1862.

SIR: I am directed by Earl Russell to request that you will move the lords commissioners of Her Majesty's treasury to cause his lordship to be informed whether any report has been received from the commissioners of customs respecting the vessel Oreto, which was stated by the United States consul at Liverpool in a letter, of which a copy was inclosed in my letter of the 26th ultimo, to be fitting out at that port for the service of the so-styled Confederate States.

I am, &c.,
(Signed) E. HAMMOND.

No. 13.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *April* 8, 1862. (Received April 8.)

Further report from customs. Vessel sailed on 22d of March, 1862, having cleared for Palermo and Jamaica in ballast.

SIR: I am directed by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, with reference to your letters of the 26th ultimo and 7th instant, copy of a report from the commissioners of customs, dated 4th instant, relative to the ship Oreto, stated by the United States consul to be fitting out at Liverpool as a ship of war for the so-called Confederate States.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 13.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *April* 4, 1862.

Your lordships having referred to us the annexed letter from Mr. Hammond, transmitting, by desire of Earl Russell, copy of a further letter, addressed by the United States consul at Liverpool to Mr. Adams, the United States minister at this court, in which it is again affirmed that the Oreto is being fitted out as a vessel of war for the Southern Confederacy, and various statements are reported in support of that assertion, and requesting that your lordships would instruct this board to give directions that the Oreto might be vigilantly watched, and that, if any armament prohibited by the foreign-enlistment act should be discovered, the vessel might be at once detained,

We report—

That, on the receipt of your lordship's reference, we directed our collector at Liverpool immediately to inquire into the further allegations made in regard to the Oreto, and to govern himself in accordance with the instructions contained in Mr. Hammond's letter, and, having received the report of the collector, we find that the vessel in question was registered on the 3d ultimo, in the name of John Henry Thomas, of Liverpool, as sole owner; that she cleared on the following day for Palermo and Jamaica in ballast, but did not sail until the 22d, the day on which the American consul's letter is dated, having a crew of fifty-two men, all British, with the exception of three or four, one of whom only was an American. She had no gunpowder, nor even a signal-gun, and no colors, saving Maryatt's code of signals and a British ensign, nor any goods on board except the stores enumerated on the accompanying copy of her victualing bill.

No armament or goods on board.

With regard to the statements in the letter of the consul, the collector further reports that it is clear the passengers brought by the Annie Childs, the vessel therein mentioned, which has recently arrived from one of the Southern States, were not intended to form any portion of the crew of the Oreto, inasmuch as they were still in Liverpool, and that the dipping of the ensign on board the latter vessel on the arrival of the Annie Childs, as far as the collector had been enabled to ascertain, was intended as a compliment to one of the Cunard steamers and another vessel which saluted the Annie Childs on her arrival, the masters of the several vessels being known to one another.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

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[8] [Inclosure 2 in No. 13.]

Victualing bill.

Pilot ——— ———. Granted number [662.]

PORT OF LIVERPOOL.—ORETO.

Bonded and drawback stores in the ———, Jas. A. Dugard, master, for Palermo and Jamaica. Men, 52; passengers or troops, ——; guns, ——; 178 tons.

Victualing bill.

	Net quantities taken on board.
Spirits, foreign—	
Rum .... Per gallon...	2 cases; 54 gallons.
Brandy	10 cases; 20 gallons.
Geneva	....
Other spirits, not sweetened	....
Spirits, British or plantation—	
Rum	....
Gin	8 cases; 16 gallons.
Whisky	....
Other spirits, not sweetened	12 cases; $23\frac{13}{32}$ gallons.
Wine........	20 cases; 40 gallons.
" (for drawback)	....
Beer, (for drawback)	....

		Net quantities taken on board.
Vinegar		
Tea	Per pound	3 chests; 5 canisters; 240 pounds.
Coffee		4 bags; 646 pounds.
" roasted, (for drawback)		
Cocoa		
" paste		
Sugar, refined	Per cwt.	1 barrel; 1 cwt. 8 pounds.
" (for drawback)		5 bags 3 barrels } 13 cwt. 2 qrs. 12 p'ds.
" unrefined		
" bastard, (for drawback)		
Molasses		
Tobacco, (for drawback)	Per pound	
" negrohead		3 boxes; 63 pounds.
" roll		
Sugars		2 boxes; 10 pounds.
Pepper		
Raisins	Per cwt.	12 boxes; 2 cwt. 1 qr. 26 pounds.
Currants		11 jars; 2 cwt. 1 qr. 18 pounds.
Figs		
Prunes		
Plums		
Sundries		
Surplus stores		

(Signed) J. MUDIE, *Searcher.*
——— ———, *Collector.*
SAMUEL WAKEHAM, *Broker,*
17 *Park Lane.*

———, 1862.
Examined.
Cleared, March 4.

No. 14.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 8, 1862.

Copy of customs report forwarded to Mr. Adams.

Lord Russell presents his compliments to Mr. Adams, and, with reference to his letter of the 27th ultimo, has the honor to transmit to him the accompanying copies of a report and its inclosure, which have been received from the board of customs respecting the vessel Oreto.[1]

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[9] ## *No. 15.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
May 9, 1862. (Received May 10.)

SIR: I am directed by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, with reference to your letter of the 12th ultimo, the inclosed copy of a report of the commissioners of customs, dated 1st instant, further relative to the fitting out of the Oreto at Liverpool.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] No. 13.

[Inclosure in No. 15.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *May* 1, 1862.

Mr. Hamilton having, by his letter dated 21st ultimo, transmitted to us, with reference to our reports of 22d February last, and 4th ultimo, copy of a letter from the Foreign Office, stating that Her Majesty's minister at Turin reports that he has been informed by M. Ratazzi that, after making every inquiry, the Italian government have no knowledge whatever of the vessel Oreto, which, it has been alleged, was fitting out at Liverpool for the Southern States of America, but which vessel our collector at that port had informed us he had every reason to believe was intended for the Italian government,

We report—

That, having called upon our collector at Liverpool for his further observations, he has transmitted to us a copy of the declaration made by the owner of the Oreto at the time of registry, by which it appears that the owner is a native of Palermo; and the collector has stated that he has received no information respecting the vessel since his former report, and that, although she may have been destined for the use of the Confederate States, no act had been committed by the master or owners which would have justified any interference with the vessel by this department.

We believe it frequently happens that vessels clear for ports to which the owners have no intention that they shall proceed, but our officers have no power to interfere in any case except there may be a breach of the provisions of the law.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

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[10] **Declaration referred to above.*

Official number of ship, 44,200.—Date of registry, March 3, 1862.

General description of ship.		Port of registry.	How propelled.
Name of ship.	British or foreign built.		
Oreto	British, built at Liverpool in 1861.	Liverpool	Screw.

Number of decks	Two.	Build	Carvel.
Number of masts	Three.	Galleries	None.
Rigged	Schooner.	Head	Shield.
Stern	Elliptic.	Frame-work	Wood.

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore part of stem under the bowsprit to the aft side of the head of the stern-post	185	2
Main breadth to outside plank	28	3
Depth in hold from tonnage-deck to ceiling at midships	13	7

TONNAGE.

	No. of tons.
Tonnage under tonnage-deck	410. 41
Closed-in spaces above the tonnage-deck, if any, viz:	
Space or spaces between decks	
Poop	
Round-house	
Other inclosed spaces, if any, naming them	
Gross tonnage	410. 41
Reduction for space required for propelling-power	231. 90
Register tonnage	178. 51

Length of engine-room	61 feet.
Number of engines	2
Combined power, (estimated horse-power,) number of horse-power	200

I, the undersigned, John Henry Thomas, of Liverpool, county of Lancaster, merchants declare as follows: I am a natural-born British subject, born at Palermo, in the island of Sicily, of British parents, and have never taken the oath of allegiance to any foreign state. The above general description of the ship is correct. James Alexander Duguid, whose certificate of competency or service is No. 4073, is the master of the said ship. I am entitled to be registered as owner of sixty-four shares of the said ship. To the best of my knowledge and belief no person or body of persons other than such persons or bodies of persons as are by the merchant-shipping act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial, in the said ship. And I make this solemn declaration, conscientiously believing the same to be true.

(Signed) JOHN H. THOMAS.

Made and subscribed the 1st day of March, 1862, by the above-named John Henry Thomas, in the presence of—

(Signed) J. C. JOHNSTONE, JR.,
Registrar of Shipping, Port of Liverpool.

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[11] *No. 16.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *June* 10, 1862. (Received June 10.)

Arrival at Nassau.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, an extract from a letter of Commander McKillop, of Her Majesty's ship Bulldog, dated the 30th April, reporting his proceedings at Nassau, New Providence, and in its neighborhood.

I am, &c.,
(Signed) C. H. PENNELL, *Pro. Sec.*

[Inclosure in No. 16.

Commander McKillop to the secretary to the admiralty.

BULLDOG, *Nassau, New Providence, April* 30, 1862.

SIR: I take advantage of the steamer Gladiator going to Bermuda to report that Her Majesty's ship under my command has been in this port, with the exception of two short cruises in the Northwest New Providence Channel, since the date of my last report, (10th ultimo). The frequent complaints made by British vessels of having been fired at by ships supposed to be American cruisers stationed in the Northwest and Northeast New Providence Channels, would have induced me to remain cruising there, to ascertain the truth of these reports, had not his excellency the governor requested me to remain here for the purpose of preventing collisions between the crews of the Federal and Confederate States vessels frequenting this port.

A very suspicious steamer, the Oreto, evidently intended for a gun-boat, is now at the Upper Anchorage, under the English flag; but as there are no less than three cargoes of arms and ammunition, &c., united to run the blockade, some of these guns, &c.. would turn her into a privateer in a few hours. These facts the American consul must be fully acquainted with, and consequently keeps the American cruisers in this neighborhood acquainted with all that is doing here. Agents of the confederate government and officers of their navy are here on the spot, and I have no doubt that the Oreto is intended for their service.

I have this minute received a requisition from his excellency the governor to proceed to the Northwest New Providence Channel, as he has received reliable information that an armed vessel is now in that passage overhauling all vessels passing through. I shall proceed this evening as soon as there is water enough to allow this ship to cross the bar.

I have, &c.,
(Signed) H. F. McKILLOP.

No. 17.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *July* 31, 1862. (Received July 31.)

SIR: I am directed by the Duke of Newcastle to transmit to you the copy of a dispatch from the governor of the Bahamas with its inclosures relative to the seizure of the steamer Oreto, on suspicion of having on board stores intended for the use of the Confederate States.

Seizure at Nassau.

I am to request that you will submit this dispatch to Earl Russell for his opinion respecting the course taken by the governor.

[12] *I am also to inclose for Lord Russell's consideration the copy of a further dispatch from the governor, forwarding copy of a correspondence between Captain Hickley, royal navy, and the United States consul at Nassau.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 17.]

Governor Bayley to the Duke of Newcastle.

GOVERNMENT HOUSE, NASSAU, NEW PROVIDENCE,
Bahamas, June 21, 1862.

MY LORD DUKE: Circumstances have recently occurred here which, arising out of the proximity of a neutral port to two belligerent States, and not being fully anticipated by the existing instructions of Her Majesty's government, have caused me some perplexity, and may have led me into an erroneous course of action.

Report of Governor Bayley.

2. On the 28th of April the steamer Oreto (at first miscalled Ovieto) arrived in our harbor from Liverpool, supposed and affirmed to have been examined by officers of the Board of Trade before she left England. On the 29th of April she proceeded from that part of our harbor which is contiguous to the town of Nassau, and is the usual resort of merchant-vessels, to Cochrane's Anchorage, a station eight or nine miles to the east by the straightest course which a vessel can take going by the inner channel, but not less than fifteen miles off by the course outside Hog Island and Atholl Island, the route of vessels of heavy draught. On the 9th of May I received a letter from the American consul, Mr. Whiting, informing me of her arrival, and of that of the Fanny Lewis, and requesting me to inquire whether the Oreto was not intended to be armed in the service of the so-called Confederate States. On the 11th and 12th of June I received two other letters from the consul, remonstrating against the hospitalities accorded to a vessel fitted as a man-of-war, and in the writer's belief designed to act against his country. On May 28 I received the first report of Captain McKillop, commanding Her Majesty's ship Bulldog, on the fittings and equipment of the Oreto. On the 6th and 8th of June I received two others; on the 13th, 15th, and 16th of June I received three letters from Captain Hickley, commanding Her Majesty's ship Greyhound, who had succeeded Captain McKillop as senior naval officer on this station.

3. I lost no time in referring the letters of the consul and Captain McKillop to the attorney general, copies of whose opinions, together with the replies of the colonial secretary, I have also the honor to inclose.

4. Your grace will collect from these documents that, up to the 4th of June, I took no active steps to prevent the Oreto either from remaining at Cochrane's Anchorage, or from taking in any stores that she chose. I acted in strict compliance with the opinion of the attorney general, and in no less accordance with my own desire to maintain the hospitality of our port, and the rights of a supposed merchant-vessel inviolate as long as ever I could without violating the rights of neutrality and the observance of good faith. Following the advice of the attorney general, and re-assured by the answer which the agents of the vessel gave to the letter of the colonial secretary of May 9, I was anxious to concede to the Oreto the freedom and security which an English ship might reasonably expect to enjoy in English waters, notwithstanding the many rumors afloat, and the complaints openly preferred against her. Actuated by this wish, and at the same

time desiring to avoid the appearance of being indifferent to a cool and continuous infringement of our neutrality, on the 2d of June I addressed to Captain McKillop a letter, in which I advised him to take one of two courses; either to concert measures for bringing the Oreto down from Cochrane's Anchorage, or to go up there and watch her day by day in his own ship. This latter I recommended as the preferable plan.

5. On the 4th of June I brought the subject before the executive council. The inclosed extract from the minutes of that body contains the resolution of the council, which was forthwith carried into effect. In conformity to this the Bulldog sailed up to Cochrane's Anchorage. Captain McKillop placed one of his officers in charge of the Oreto, and lay at a little distance from her while she, with a revenue officer on [13] board, *took in her cargo. On the 7th of June she came down, (whether by the orders of Captain McKillop or not I am ignorant.) On the 8th of June I received the letter from Captain McKillop, and on the 9th that officer left in the Bulldog for Halifax.

6. Up to this time, as your grace will observe, the agents of the Oreto and all concerned in her had received ample intimation of the suspicion and proof of the vigilance of the government. She had been watched, warned, and visited. I was in hopes that she would profit by her experience and leave the colony without giving us or herself further trouble. But these hopes were disappointed. The arrival of Captain Hickley in the Greyhound, from Anguilla Bay, was nearly coincident with the return of the Oreto from Cochrane's Anchorage. As the successor of Captain McKillop in the command of the station, Captain Hickley felt himself bound to continue that gallant officer's examination of the Oreto. On the 10th of June he visited the vessel. One of the agents who had personally obtained my permission that the Oreto should clear in ballast for Havana without delay, met him on board, and, just as Captain Hickley's attention was drawn to some shot or shell that was discharging over the ship's side, promised him that she should forthwith leave the harbor empty. On hearing this Captain Hickley withdrew without prosecuting his investigation any further. The 11th and 12th passed over, but the Oreto still remained in port. Near her lay two steamers, one of them the notorious Nashville, which were to freight her with cargo, and one (if not both) of which had followed her from Cochrane's Anchorage. On the 13th of June Captain Hickley visited her again, and then the crew (which had shipped for Palermo, the Mediterranean, and the West Indies) refused to raise her anchor until informed where she was bound to. On the 16th they came on board the Greyhound with formal complaints, in consequence of which Captain Hickley seized her, but released her on the 17th, in compliance with my opinion and that of the attorney general. The details of the incidents which I have last mentioned will be found in the papers.

7. Throughout these occurrences I was averse from proceeding to extremities. Not that I considered the conduct of the Oreto to be entirely free from suspicion, or indeed from discourtesy to a neutral government. But I was unwilling to assume a hostile air; and, moreover, I felt that, however suspicious appearances were, it might be exceedingly difficult to bring either the Oreto or her crew within the scope of the foreign enlistment act.

8. But when, having been several times dissuaded by me from seizing the vessel, and having, after seizure, released her in deference to my views, Captain Hickley, in his letter of the 16th June, reiterated the expression of his professional opinion not only that the Oreto was equipped as a vessel of war, but that she could be made ready for battle with the enemy in twenty-four hours; that other vessels then lying in the harbor could steam out with her and help to arm her within a few miles off this port; and that her real destination was openly talked of, I thought that a strong *prima facie* case was made out for a judicial investigation, even although the evidence were insufficient to warrant her condemnation. And I thought it better to sanction an appeal to the law in favor of our neutrality, and in deference to the honest convictions of a gallant and experienced officer, than to allow the Oreto to leave our shores unchallenged and unobstructed on an expedition of pillage, piracy, and destruction.

9. These reflections were strengthened by others. I felt that if the Oreto were allowed to take in arms, ammunition, and a crew here, a similar impunity must be in future conceded to any other vessel belonging to either of the two belligerent states. The consequences of dealing out this even-handed justice would, in the existing state of popular feeling, be highly inconvenient and embarrassing. The boon obtained by a confederate vessel would be claimed by a Federal vessel. If granted it would be granted grudgingly and sulkily, and it was more likely that it would not be granted at all; hence would arise disputes, jealousies, and angry altercation. More than this, we have reason to believe that armed Federal vessels are lying at a very short distance from this port. Indeed, I am informed that frequently boat's crews belonging to armed vessels of the United States Government land near the town at night for the purpose of ascertaining the position and number of southern vessels stationed in the port. The refusal to accord to northern vessels the same indulgence which has been accorded to those of the South, might, under these circumstances, provoke an affray between the

ships of the two contending federations, and involve, not only this colony, but even the mother country, in a very serious collision.

10. These reasons, which are fully explained in my letter to Captain Hickley, of 17th June, mainly induced me to withdraw my opposition to Captain Hickley's [14] *meditated seizure of the Oreto. But they would not have sufficed to modify my repugnance to such a course had he persisted in his original intention of taking the Oreto either to Bermuda or to Halifax. To this course of action I had expressed a strong objection in my letter of 16th of June, and in his reply of the 17th Captain Hickley professed his willingness to abandon it.

11. The Queen's advocate has now received instructions to prosecute the Oreto in the colonial court of vice-admiralty. But the issue of the prosecution is by no means clear. Should any technical difficulties of procedure or insufficiency of evidence place the case beyond the scope of the foreign enlistment act, and cause the failure of the prosecution, I presume Her Majesty's government will be disposed to shield Captain Hickley from any pecuniary loss to which the conscientious discharge of an unpleasant duty may have exposed him.

12. Your grace will see that it is easy to do very much in the way of equipping a vessel for hostile purposes, arming her and enlisting a crew, without establishing a case of such strong testimony as would justify her condemnation by a court of competent jurisdiction; and although it is repugnant both to our policy and our sense of justice to strain the letter of the law, even on the side of a reasonable inference against the rigid rules of technical evidence, yet it is easy to see that a strict adherence to these rules may be suspected to be the result, and may produce the fruits of a deliberate collusion with the enemies of a state on terms of amity with our own country.

13. In the present instance the notorious sympathies of the colony and the supposed sympathies of England with the southern confederacy have, I doubt not, led the consul, and may lead the Government of the United States, to imagine that the Oreto has all along received a collusive and dishonest support from the authorities of the place. Nothing could be further removed from the truth than this belief; still it would be exceedingly awkward were the reasonableness of these suspicions to be tested by the experience of any vessel which arrived equipped to act on the Federal side, and expecting to find her arms and ammunition here.

14. It is the desire of preventing such a contingency, or, if that be impossible, of being adequately instructed to meet such contingencies in future, which has compelled me to trouble your grace at so great length, and with documents so voluminous as these I now transmit.

I have, &c.,
(Signed) C. J. BAYLEY.

[Inclosure 2 in No. 17.]

Mr. Whiting to Governor Bayley.

UNITED STATES CONSULATE, NASSAU, NEW PROVIDENCE,
May 9, 1862.

SIR: I have the honor to communicate to your excellency several facts of importance, deeming it to be my duty so to do, as representative of the Government of the United States of America.

The tug Fanny Lewis, which arrived here from Liverpool on the 6th instant, has on board, I am credibly informed by letters received from that port, a large quantity of powder for the rebel States of America, or for the so-called Confederate States.

On the 28th ultimo the steamer Oreto also arrived off this port from Liverpool, and now lies at Cochrane's Anchorage, where, it is believed, and so reported by many residents here, that she is being prepared and fitted out as a confederate privateer, to prey on the commerce of the United States of America.

I inclose for your excellency's perusal a slip from the Wilmington, North Carolina, paper of the 20th April.

I cannot but think that your excellency will consider it proper that some inquiry should be made to ascertain how far the vessels alluded to are preserving the strict neutrality so earnestly enjoined by Her Majesty's late proclamation, and I am confident that I pay but a deserved tribute to your excellency's high character when I [15] express *my firm belief that no illegal steps will be allowed to those who seek to subvert the Government which I have the honor to represent.

I am, &c.,
(Signed) SAML. WHITING,
United States Consul.

[Inclosure 3 in No. 17.]

Report by the attorney general.

Opinion of Attorney General Anderson.

Assuming the cargo of the Fanny Lewis to be such as is stated by the United States consul, it is, nevertheless, one that can legally be imported here from the United Kingdom, and its future presumed destination does not invest it with any character of illegality which calls for, or would authorize, any action with respect to it on the part of the executive or other authorities of the colony.

2. With respect to the Oreto, the consul's allegation is to the effect that it is believed and reported by many residents here that she is being prepared and fitted out where she now lies, at Cochrane's Anchorage, which is within the limits of the port of Nassau, as a confederate privateer. Now, if such is the fact, an offense against the foreign enlistment act[1] has been committed, all parties implicated in which are liable to be criminally proceeded against for misdemeanor, and the vessel may be seized by any naval or revenue officer; but to justify proceedings either against the parties or the vessels, the matter must not rest on repute or belief alone, but the authorities must have positive facts to ground their proceedings on, and unless the consul can adduce such, or they can be obtained through other channels, no steps can be taken either for the arrest of the vessel or those on board of her.

(Signed) G. C. ANDERSON.

[Inclosure 4 in No. 17.]

Mr. Nesbitt to Mr. Whiting.

COLONIAL SECRETARY'S OFFICE,
Nassau, May 9, 1862.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of this date, and to inform you, in reply, that his excellency will cause inquiries to be made into the circumstances alleged in your letter.

I have, &c.,
(Signed) C. B. NESBITT,
Colonial Secretary.

[Inclosure 5 in No. 17.]

Mr. Nesbitt to Messrs. Adderley & Co.

COLONIAL SECRETARY'S OFFICE,
Nassau, May 9, 1862.

GENTLEMEN: I am directed by the governor to notify you that if you are arming, or putting arms on board, the steamer Oreto, his excellency will enforce the rules laid down in the Queen's proclamation, for, coupling that fact with the description given to his excellency by the captain of Her Majesty's ship Bulldog of the build of the Oreto, his excellency cannot fail to infer that she is a vessel of war intended to act against the United States; and as Her Majesty's government have expressed their deliberate intention of observing and preserving neutrality in the Queen's possessions, his excellency will use his strongest efforts to prevent either of the belligerent powers from arming or equipping vessels of war in this port.

I have, &c.,
(Signed) C. B. NESBITT,
Colonial Secretary.

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[16] *[Inclosure 6 in No. 17.]

Messrs. Adderley & Co. to Mr. Nesbitt.

NASSAU, NEW PROVIDENCE, *May* 10, 1862.

Denial by Messrs. Adderley that the vessel was being armed.

SIR: We beg to acknowledge the receipt of your communication of yesterday's date, informing us that if we were arming or putting arms on board of the steamer Oreto his excellency would enforce the rules laid down in the Queen's proclamation.

In reply we beg to state, for the information of his excellency the governor, that we have neither attempted to arm or put arms on board of the British steamer Oreto, consigned to our firm, nor are we aware of there being any intention on the part of the owners to arm that vessel.

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[1] 59 Geo. III, c. 69, s. 7.

We have, &c.,
(Signed) HENRY ADDERLEY & CO.

[Inclosure 7 in No. 17.]

Commander McKillop to Governor Bayley.

BULLDOG, *Nassau, May* 28, 1862.

SIR: Several steamers having anchored at Cochrane's Anchorage, I sent an officer yesterday to visit them and muster their crews, and ascertain what they were and how employed.

The officer reports that one steamer, the Oreto, is apparently fitting and preparing for a vessel of war. Under these circumstances, I would suggest that she should come into the harbor of Nassau to prevent any misunderstanding as to her equipping in this port, contrary to the foreign enlistment act, as a privateer or war vessel.

I am, &c.,
(Signed) H. F. McKILLOP.

[Inclosure 8 in No. 17.]

The attorney general, Nassau, to Mr. Nesbitt.

ATTORNEY GENERAL'S OFFICE,
Nassau, May 29, 1862.

Further opinions of Attorney General Anderson.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, in which, by direction of his excellency the governor, you call on me for a further and more detailed report in the matter submitted to me in your note of yesterday on the proposed proceeding of ordering the British steamship Oreto to be removed from Cochrane's Anchorage, where she now lies, to the port of Nassau.

My reply of yesterday was necessarily short, as your note was received at a late hour, and I was anxious to send an immediate answer in order that any action in the matter referred to might be prevented; but my intention at the time was to make a more detailed report this morning, which I was about commencing when I received your second letter.

The points submitted in your letter of to-day differ in some degree from the question asked in your note of yesterday. In the latter the sole question put to me was "whether it was contrary to law to order the Oreto to come down to the harbor?" and the reason assigned for asking the question was that the commander of the Bulldog had reported her to have "the appearance of a privateer arming herself;" my answer to which was to the effect that I did not think an order for the removal of the vessel aforesaid should be given on the circumstances stated, as such order, if disobeyed, could not legally be enforced unless some violation of law had been committed in reference to the vessel which would justify her seizure. On this you remark that, as it was never his excellency's intention to seize the vessel, such a contingency should be put out of view. I would, however, respectfully state that it was quite impossible, in dealing with the question as submitted to me by you, to keep out of view the contingency referred [17] to, as, if there was *no probability of the contingency arising, there could be no cause to exercise the power, supposing it to exist, of ordering the removal of the vessel.

With these preliminary remarks, I now proceed to state my opinion of the law applicable to the points raised in your letter of this morning.

Any British or foreign trading-vessel has a right, in carrying on her lawful commercial pursuits, to use as anchorage-places any of the harbors, roadsteads, and anchorages in the colony; she can, however, only lade or unlade cargo at such places as may be authorized for the purpose by the revenue department and in the presence of a revenue officer; and as the revenue department is, by the trade act 17 Vict., cap. 3, placed under the jurisdiction and management of the governor and the executive council, it will be lawful for the governor, acting with the advice of the council, to prohibit the lading of cargo on board of the Oreto otherwise than in the harbor of Nassau; but beyond exercising the powers conferred on him by the trade laws, his excellency has no power to compel the removal of the Oreto from her present anchorage unless some act has been done in respect of her which would constitute a violation of law and subject her to seizure. This brings me to the question whether there is anything disclosed in your communication which would, in a court of law, justify the forcible removal of the vessel from her present position. The information amounts to this, that the senior naval officer on the station has officially reported to the governor that "this vessel is apparently fitting and preparing for a vessel of war;" or, as stated in your note of yesterday, has "the appearance of a privateer arming herself." Now, unless Captain McKillop grounds the opinion formed and reported by him upon some overt act, such as the placing of arms or other munitions of war on board of the vessel without the sanction of the revenue department or some such similar act, evidencing an intention on the part of the persons in charge of the vessel to fit her out as a vessel of war to be employed in the service of a foreign belligerent power, the forcible removal of the vessel from her present position, merely to guard against a possible infraction of the law, could not be justified. Such removal would, in fact, constitute a "seizure," which the parties making would be responsible for in damages unless they could show a legal justification, which must be based upon something beyond mere suspicion; but while mere suspicion is not sufficient to authorize the course of proceeding indicated in your letter, it is certainly sufficient to call for precautionary measures, such as I advised in respect of this very vessel in my minute on the receiver-general's letter, referred to me by the governor two or three days since, namely, that the receiver-general should, under the powers of his office, place a revenue officer on board of her to watch the proceedings of the parties on board, in order that if any actual contravention of the law took place, it might be at once reported, and prompt measures taken by seizure of the vessel and otherwise to punish all parties implicated therein.

I apprehend that I have now distinctly and fully answered your communication of this day, but I shall be happy, should his excellency require any further explanation of my views, to give any and every information in my power, and I will only now add that I feel that a great measure of responsibility rests on me in questions of this nature, and that it behooves me to be particularly cautious in giving any advice which may lead to a course of action on the part of the authorities here which may be considered as contravening the principles enumerated in the circular dispatch of his grace the Duke of Newcastle of the 15th of November last, in a part of which it is stated, "If it should be necessary for the colonial authorities to act in any such case, (*i.e.*, violation of the foreign enlistment act,) it should only be done when the law is regularly put in force, and under the advice of the law-officers of the Crown."

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 9 in No. 17.]

The attorney general, Nassau, to Mr. Nesbitt.

ATTORNEY GENERAL'S OFFICE,
Nassau, May 30, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, and have to express my regret that his excellency should have misapprehended [18] the *meaning of my letter of yesterday's date, which I certainly never intended should bear the construction which his excellency appears to have placed on it, and which, I respectfully submit, a careful perusal will show cannot be placed on it.

Any act of arming, or any attempt to arm a vessel in contravention of the imperial statute, commonly known as the foreign enlistment act, will subject the vessel to seizure, and it is quite immaterial in what manner the violation of law is ascertained, or by whose testimony it is established, the only necessary requirement being that the facts testified to should be such as would be received in a court of law as legal proof of the violation of the statute sought to be established.

With reference to the concluding part of your letter, I can only say that it is far from my wish to dictate to his excellency the course to be pursued by him; my simple duty being to place before his excellency my opinion on the state of the law bearing on such points as he may submit for my consideration, and that it is entirely for his excellency to decide whether he will be guided by my views or not.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 10 in No. 17.]

Governor Bayley to Captain McKillop.

GOVERNMENT HOUSE, *Nassau, June* 2, 1862.

SIR: I have the honor to acknowledge your letter of the 28th ultimo, in which you inform me that the Oreto, now lying at Cochrane's Anchorage, is, to all appearance, arming herself for a vessel of war.

A correspondence between myself and the attorney general, arising out of this important communication, has prevented me from replying to you sooner.

Now, however, I may say that it is quite impossible that the Oreto, or any other vessel, should be allowed to arm herself for belligerent purposes within the jurisdiction of the harbor.

The Oreto is registered as a British vessel and carries the British flag. Therefore she would be guilty of piracy if, without changing her nationality, she equipped herself as a vessel of war. And, were she to change her nationality and to be equipped for the service of either of two belligerent states, with both of whom Great Britain is at peace, she would, under the directions of Her Majesty's government, be precluded from remaining more than twenty-four consecutive hours in our harbor.

But inasmuch as it is not yet proved beyond doubt that the Oreto is a vessel of war, and as it is just possible that she may be only a merchant-ship, taking arms and implements of war solely for exportation, it is desirable that a more special and minute examination of her conditions and equipment should be made before she can be treated as a pirate, a privateer, or foreign man-of-war arming within our waters; for, while it would be in contravention of the foreign enlistment act to arm an English vessel for the service of a foreign belligerent power, and contrary to the positive orders of the Queen's government to allow a vessel of war belonging either to the Federal or confederate government to arm herself in an English port, it would be equally illegal on our part to seize a merchant-vessel honestly and exclusively employed in the shipment of cargo for the purpose of commerce.

Therefore I request that you will take such steps as in your professional opinion seem best for the purpose of ascertaining the true character of the Oreto, and the nature of her equipment; and if, after inspecting her guns, her crew, and the general disposition of the vessel, you are convinced that she is in reality a man-of-war or privateer arming herself here, then it will become your duty either to concert measures for bringing the Oreto down into this part of the harbor, or, what would be a safer course, to remove your own ship to Cochrane's Anchorage, and there watch her proceedings from day to day.

I should much regret to disarrange your plans in any way, or to impose on you any irksome duty, and I hope the necessity of either may be averted. But I am sure you will concur with me in thinking that all considerations (except that of affording due protection to the harbor) must give way to the obligation of observing the strictest [19] *neutrality in our dealings with the two contending American federations, and carrying out the Queen's orders with the most perfect good faith.

I have, &c.,
(Signed) C. J. BAYLEY.

[Inclosure 11 in No. 17.]

Mr. Whiting to Governor Bayley.

UNITED STATES CONSULATE AT NASSAU, NEW PROVIDENCE,
June 4, 1862.

SIR: I have the honor to inform your excellency that I am in receipt of a communication from one of the crew (in prison here) of the steamer Oreto, now lying at Cochrane's Anchorage, a copy of which I inclose.

May I request your excellency to inform me if any steps have been taken by the colonial government to ascertain the true character of the Oreto, the service for which she is intended, and if her longer stay at Cochrane's Anchorage, under all the circumstances disclosed, is in accordance with Her Majesty's late neutrality proclamation.

I have, &c.,
(Signed) SAM'L WHITING, *Consul.*

[Inclosure 12 in No. 17.]

Mr. Jones to Mr. Whiting.

NASSAU PRISON, *June* 4, 1862.

SIR: The ship I am from is the Oreto, built by W. C. Miller, in Liverpool, after the model of the English navy gun-boats, with magazine, shot-lockers, ports, and bolts for twenty guns. Everything is rigged, and ready for mounting; even all the articles necessary for seamen, such as hammocks, bedding, kettles, and pans, with three years' provisions. In short, she is a perfect man-of-war. Captain, James Deguide; chief officer, William Duggin; second officer, —— Hudson; I, sir, was third officer and boatswain; the chief steward, and purser, who refused duty, are in jail here.

* * * * * * *

Yours, &c.,
(Signed) EDWARD JONES.

[Inclosure 13 in No. 17.]

Extract from minute of executive council of the 4th of June, 1862.

His excellency the governor, with the advice of the board, was pleased to make the following orders:

1. That the Oreto, if practicable, should take in her cargo within the port of Nassau.
2. That if, however, it be found impracticable, from the depth of water in port, or otherwise, that she cannot conveniently take in her cargo within the port, then that she be permitted to do so at Cochrane's Anchorage, under the direct supervision of officers of the revenue department, to be especially appointed for the purpose.
3. That, in consequence of the suspicions which have arisen respecting the character of the Oreto, it was advisable that a British vessel of war should remain at Cochrane's Anchorage, in the immediate vicinity of the Oreto, while she is taking in cargo; and, to prevent such vessel being detained at the anchorage an inconveniently long time, there be imposed as a condition for the permission to the Oreto to load without [20] the port, *that she complete her lading at Cochrane's Anchorage within a period to be designated by the chief officer of the revenue department.

His excellency was further pleased to direct that a copy of the foregoing order be furnished to the receiver general and treasurer, and the commander of Her Majesty's ship Bulldog, respectively, for their information and guidance.

[Inclosure 14 in No. 17.]

Mr. Nesbitt to Mr. Whiting.

COLONIAL SECRETARY'S OFFICE,
Nassau, June 5, 1862.

SIR: I am directed by the governor to inform you, in reply to your letter of the 4th instant, that his excellency has directed steps to be taken to ascertain whether there is anything in the equipment or condition of the Oreto which could legally disentitle her to the ordinary hospitalities of this port.

There is nothing in the communication which you have inclosed which could, as yet warrant his excellency in taking any measures against the vessel.

I have, &c.,
(Signed) C. B. NESBITT,
Colonial Secretary.

[Inclosure 15 in No. 17.]

Commander McKillop to Governor Bayley.

BULLDOG, COCHRANE'S ANCHORAGE, *June* 6, 1862.

Report of Commander McKillop of survey of the vessel.

SIR: I have visited the screw-steamer Oreto, and examined her. She is fitted in every way for war purposes, magazines, shell-rooms, and other fittings totally at variance with the character of a merchant-vessel.

She has no guns or ammunition on board. The captain does not deny that she is intended for a war-vessel.

I have, &c.,
(Signed) H. F. McKILLOP.

[Inclosure 16 in No. 17.]

Opinion of the attorney general, Nassau.

There are no facts set forth in the within letter which would, in my opinion, authorize the seizure of the Oreto. They constitute only circumstances of suspicion, which if coupled with some actual overt act, would doubtless materially strengthen the case against the vessel, but which do not in themselves form a ground of seizure.

(Signed) G. C. ANDERSON.
JUNE 7, 1862.

[Inclosure 17 in No. 17.]

Commander McKillop to Mr. Nesbitt.

BULLDOG, *Nassau, June* 8, 1862.

SIR: I have to acknowledge the receipt of a communication from his excellency the governor, dated the 4th instant, relative to the British steamer Oreto. In my [21] letter *of the 17th instant I made his excellency aware of the warlike character of that vessel, and I am of opinion that she is not capable of taking in any cargo, having no stowage. Should the Oreto take in guns or ammunition, I shall consider it my duty to seize her.

I have, &c.,
(Signed) H. F. McKILLOP.

[Inclosure 18 in No. 17.]

Mr. Whiting to Governor Bagley.

UNITED STATES CONSULATE AT NASSAU, NEW PROVIDENCE,
June 12, 1862.

SIR: I had the honor, some days since, to address your excellency on the subject of the steamer Oreto, now lying in this port, protesting against her operations, and expressing an humble opinion that, in this vessel's case, Her Majesty's proclamation of 13th May was being violated. Your excellency replied that, after an investigation, "there was found nothing in the equipment or condition of the Oreto or her crew which could disentitle her to the ordinary hospitalities of the port."

Two days thereafter the Oreto came down from Cochrane's Anchorage, in charge of an officer of Her Majesty's ship Bulldog, and was said to have been seized, and two days after that she is reported and published as having been released.

May I ask your excellency to furnish me with the official report of these proceedings?

I feel it my duty again to call your excellency's attention to this vessel. One of her officers testifies to her warlike character and equipment, with everything that marks a vessel of war—ports, magazines, shot-lockers, &c. He avers that shells were transshipped from the steamer Hero to the Oreto at Cochrane's Anchorage, an act which I should suppose would warrant her seizure and detention. The steamer Melita, from England, landed here last Sunday Captain Semmes and officers of the pirate Sumter, and I have no doubt that they are here to join the Oreto, and pursue their maritime depredations.

I solemnly appeal to your excellency, by the blood of my countrymen daily wasted in the strife with foul rebellion, not to grant immunity to those who seek, for base and selfish purposes, to prolong the fearful fratricidal war.

If this vessel (the Oreto) is permitted to go forth upon her mad career of destruction, I can but believe that the colonial government of the Bahamas will be held responsible for a repetition of those piratical acts which have covered the names of the Sumter and her crew with merited obloquy for all future time.

I have, &c.,
(Signed) SAM'L WHITING.

[Inclosure 19 in No. 17.]

Mr. Nesbitt to Mr. Whiting.

COLONIAL SECRETARY'S OFFICE,
Nassau, June 13, 1862.

SIR: The governor desires me to acknowledge the receipt of your letter of yesterday

In reply to your request to be furnished with an official report of proceedings connected with the supposed seizure and release of the Oreto, his excellency regrets tha it is not competent for him to comply with it.

His excellency has been assured by the agents of the Oreto that it is their intention to clear her in ballast for Havana; and he has received from the treasurer (as collector of the colonial customs) application to give her this clearance, an application to which he has accorded his assent.

His excellency has, therefore, no right to assume that she is now equipping hersel or will leave this port equipped, as a privateer.

While his excellency is bound by his instructions to observe the strictest neutrality [22] *between the United States and the Confederate States of North America, he has no power whatever to act on general suspicion or hearsay. He is bound to give the twenty-four hours' notice to any known privateer or man-of-war belonging to either of the belligerent states which may put into this port for indispensable supplies; but he is not bound to detain or obstruct any vessels professing to be engaged on a commercial voyage, unless he has evidence strong enough to satisfy the court of admiralty that she is in fact a belligerent vessel, proceeding on a belligerent mission.

Not having any proof which would warrant the condemnation of the Oreto by a competent court of jurisdiction, or which would connect her with any privateering enterprise, his excellency feels that it is as yet out of his power to interfere with this vessel or prevent her presumably peaceful and innocent voyage to Havana.

I have, &c.,

(Signed) C. B. NESBITT,

Colonial Secretary.

[Inclosure 20 in No. 17.]

Commander Hickley to Governor Bayley.

GREYHOUND, *Nassau, June* 13, 1862.

Reports of Commander Hickley.

SIR: After my conversation with yourself and the attorney general on the 9th instant, relative to the Oreto taking in warlike stores for the purpose of becoming an armed vessel, and perceiving lighters alongside her, both that afternoon and the following morning, and taking into consideration her character, as also Commander McKillop's letters on her account, and the previous steps taken, I proceeded on board of the Oreto, to examine her, with competent surveying officers, and make the following report to you for the final decision of the law-officers on that report, as the equipping (as I consider it so) was a want of respect to, and a violation of, the laws laid down for the guidance of the harbor, which I, as senior naval officer present, thought it my duty to represent at once to your excellency, that you should not be ignorant of what was taking place in a place under your government. She appeared to be discharging cargo when I boarded her, and this cargo, to all appearance, shells; and I was proceeding to go on with the examination when the consignee (Mr. Harris) and a revenue officer told me that she (the Oreto) had cleared in ballast for the Havana, and was to sail shortly, (I understood the next day,) and that due notice had been given at the custom-house. On this I considered interference unnecessary on my part, and came immediately with the consignee to you to report what had taken place, and the determined destination of the Oreto, but with the understanding that, owing to the suspicions already cast on the vessel, I was to again visit her before her leaving. This took place on the 10th, and the 11th and 12th passed, and the Oreto did not sail, which again aroused my suspicions that the vessel was not acting in good faith, and that she was still equipping, or making very definite arrangements for so doing.

This morning, at 6.30 a. m. I was informed by Mr. Harris that the Oreto was to sail immediately, at 8 a. m.; and feeling it a bounden duty to ascertain her character before her leaving, to make my report to your excellency, that by so doing I might have the law-officers' opinion as to the legality of her sailing before she quitted the port.

I have the honor to inclose my report for your excellency's information, for the opinion of the attorney general and Queen's advocate, that my course may be clear as to my dealing with the Oreto, and whether, under the circumstances detailed therein, she is entitled to go her way on the high seas under British colors.

I have, &c.,

(Signed) H. D. HICKLEY.

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[23] [Inclosure 21 in No. 17.]

Commander Hickley and officers of the Greyhound to Governor Bayley.

GREYHOUND, NASSAU, NEW PROVIDENCE,
Bahamas, June 13, 1862.

SIR: On going on board the Oreto this morning the captain informed me that the crew had refused to get the anchor up until they could be certain as to where the ship was going, as they did not know what might become of them after leaving port, and that the Oreto was a suspicious vessel. I then proceeded round the decks to note her fittings, &c., and to ascertain whether she had any warlike stores on board for her own equipment, and I have the honor to make the following report:

That the Oreto is in every respect fitted as a man-of-war, on the principle of the dispatch gun-vessels in Her Majesty's naval service.

That she has a crew of fifty men, and is capable of carrying two pivot guns amid ships and four broadside both forward and aft, the ports being made to "ship and un ship," port-bars, breeching, side tackle, bolts, &c.

That she has shell-rooms, a magazine and light-rooms, and "handing-scuttles" for handing powder out of the magazine, as fitted in the naval service, and shot-boxes for Armstrong shot, or shot similar to them. Round the upper-deck she has five boats, (I should say,) a ten-oared cutter, an eight-oared cutter, two gigs, and a jolly-boat, and davits for hoisting them up; her accommodation being in no respect different from her similar class of vessels in the royal naval service.

And on my asking the captain of the Oreto, before my own officers and three of his own, whether she had left Liverpool fitted in all respects as she was at present, his answer was, "Yes, in all respects," and "that no addition or alteration had been made whatever."

In witness of this report, and ready to testify to its correctness, we the undersigned affix our names.

H. D. HICKLEY, *Commander.*
JNO. L. GILBY, *Lieutenant.*
C. S. CARDALE, *Lieutenant.*
B. B. STUART, *Master.*
P. O. M. PRESGRAVE, *Assistant Paymaster.*
E. B. GIDLEY, *Gunner.*
E. EDWARDS, *Carpenter.*
W. ROSKILLY, *Gunner's Mate.*
JOHN LEWARN, *Seaman Gunner.*

[Inclosure 22 in No. 17.]

Opinion of the attorney general, Nassau.

I have perused the accompanying letter of Commander Hickley, of Her Majesty's ship Greyhound, with the report of himself and officers on the state of the British steamship Oreto, and am of opinion that there is nothing contained in those documents which would justify the detention of the vessel.

(Signed) G. C. ANDERSON.

CHAMBERS, *June* 13, 1862.

[Inclosure 23 in No. 17.]

Commander Hickley to Governor Bayley.

GREYHOUND, *Nassau, June,* 1862.

SIR: The boatswain and some of the crew of the British screw-steamer Oreto having come on board the Greyhound this morning, and made a variety of statements [24] publicly *before me to her prejudice as a legal trader on her first leaving, and since having left Liverpool, and that they had now left the Oreto, as they could not ascertain her destination, although she has cleared from this port for the Havana some days since; that she was a suspicious vessel, and shipping, or attempting to ship, another crew; these circumstances, her long detention in this port, her character, her fittings, convinced as I am also that during her stay in the port arrangements have been made for arming her outside, with the previous correspondence on her account, and the suspicions already cast on her, her evident equipment for war purposes, although not at present armed, or to my knowledge having any arms on board, and my conviction, as also that of my officers and men that have been on board her, that she is built intently for a war-vessel and not for a merchant-ship, make it incumbent on me to seize the Oreto, as a vessel that can be no more considered as a free-trader, but that she is, on the contrary, calculated to be turned into a formidable vessel of war in twenty-four hours; and that this, I am convinced, will be the case if she is permitted to leave Nassau.

And therefore, in her present state, a vessel under British colors sailing from hence in such an equipped state to a professional eye, that I consider it would be a downright neglect of duty on my part to permit her proceeding to sea, without again urging most strongly on your excellency the expediency of taking charge of her as an illegally equipped British vessel, as in my professional capacity, as also in the opinion of my officers, it is impossible to consider her as any other, she being a *bona fide* vessel of war on our royal naval principle.

On my former communication to your excellency, of the 13th June, I have the Crown lawyer's opinion, and I again bring the facts of the broadly suspicious character of the Oreto before you, with the addition of those of her old crew having left her, and for why? as likewise her entering, or attempting to enter, a new crew, for your consideration and the law-officers of the Crown; and, failing their sanction to take charge of the Oreto, (and it is improbable, if not impossible, that they can know a war-vessels' equipment as well as myself and officers,) I have to suggest that I should forthwith send her to the commodore, or commander-in-chief, on my own professional responsibility; as allowing such a vessel as the Oreto to pass to sea as a British merchant-vessel and a peaceful trader would compromise my convictions so entirely as to be a neglect of duty, as senior naval officer here present, and certainly not doing my duty in co-operating with your excellency for the protection of the harbor of Nassau.

I have, &c.,

(Signed) H. D. HICKLEY.

[Inclosure 24 in No. 17.]

Governor Bayley to Commander Hickley.

GOVERNMENT HOUSE, *Nassau, June* 16, 1862.

SIR: I have the honor to acknowledge the receipt of your letter dated 15th June.

I lost no time in referring it to the Queen's advocate; and the opinion of that functionary I have now the honor to transmit to you.

Before I proceed to make any further comments on either of these documents, it is necessary that I should premise that, as yet, I am ignorant whether you as senior naval officer on the station consider that in any case affecting the police of the harbor, and the status of ships resorting to it, you ought to act in concert with me, or independently of me. It is only on the assumption that the former is the line prescribed that the communication of my opinion on any such subject can be either necessary or effective.

Assuming, then, that your movements are to be influenced by my instructions, I would state my general concurrence with the opinion of the attorney general and Queen's advocate. I do not consider that suspicion alone would justify the seizure of the Oreto, and the case as stated by yourself hardly seems to go beyond suspicion.

And the suspicion itself attaches not to any acts done by the Oreto, but only to the intention of her equipment. Indeed, the testimony of the crew I understand to amount to no more than an expression of suspicion. Now, I do not consider that I have any legal authority to seize a vessel merely on the suspicion of her intentions. It seems to me that such an act on my part would violate the hospitalities of the harbor, and be a precedent for grave injustice on future occasions.

The Oreto, as you are aware, has, in deference to your remonstrances and my orders, discharged her cargo of shell, shot, and ammunition, and is ready to clear in [25] *ballast. She has thus divested herself of the character of an armed vessel leaving this port for belligerent purposes. I do not think it consistent with law or public policy that she should now be seized on the hypothesis that she is clearing out for the purpose of arming herself as a vessel of war beyond the limits of the harbor. We have done our duty in seeing that she does not leave the harbor equipped and prepared to act offensively against one of two belligerent nations, with each of whom Great Britain is at peace.

And if she has still any such intention—an intention which cannot be fulfilled within the harbor—I think this could be effectually thwarted by giving instructions that the vessels which are supposed to be freighted with her arms, and to be prepared to go out with her, should not leave the harbor within forty-eight hours after the Oreto has left it.

If, however, you still retain the firm conviction not only that she is about to arm as a vessel of war, but also that she is already partially equipped as one, and moreover that she is engaged to act against a belligerent state which is at peace with Great Britain, and that she has enlisted a crew for that object, your proper course undoubtedly is, on seizing the Oreto, to submit the question of her condemnation to the vice-admiralty court of this colony.

To remove her to Bermuda, Halifax, or any other colony, for the purpose of having her condemned there, would be a course not only at variance with prescriptive usage, but—as I cannot help thinking—open to censure as implying an unmerited imputation on the fairness and competency of the court of this colony. It is a course which I cannot myself recommend or sanction, and which if adopted by you must be adopted on your own responsibility.

I am assuming all along that you are desirous of acting in concert with me in this matter. If, however, you deem that the whole subject is one not only of such gravity, but one also involving such minute professional knowledge that the opinion of an experienced naval man ought to outweigh the opinion of any civilian, and if your instructions direct you in extreme cases to act independently of the civil government of any colony wherein you may be stationed, I can only express my hope that any course which you may resolve on taking will be followed by results as worthy of your professional merits as their attainment is creditable to your professional zeal.

I have, &c.,
(Signed) C. J. BAYLEY.

[Inclosure 25 in No. 17.]

Opinion of the attorney-general, Nassau.

The report of Commander Hickley does not appear to me to carry the case against the Oreto further than shown in the previous reports of himself and Commander McKillop, and I contend that no case has as yet been made out for the seizure of that vessel under the foreign-enlistment act.

With respect to the suggestion in the concluding part of Commander Hickley's letter I have to remark that if the vessel is liable to seizure at all it must be under the provisions of the foreign-enlistment act, and if so seized the question of her liability may as readily and efficiently be decided in the court of vice-admiralty of this colony as before any tribunal in Her Majesty's colonial possessions, and consequently that no necessity exists, nor do I think that any excuse can be made for sending her, as suggested by Commander Hickley, to the commodore or commander-in-chief who, I presume, are either at Bermuda or Halifax; while on the other hand, if I am correct in the view I have taken of her non-liability to seizure, the reasons against sending her hence will, of course, be far more powerful; and therefore, on either view of the case, I advise his excellency to withhold his sanction from the course of action suggested.

(Signed) G. C. ANDERSON.

ATTORNEY GENERAL'S OFFICE, *June* 16, 1862.

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[26] [Inclosure 26 in No. 17.]

Commander Hickley to Governor Bayley.

GREYHOUND, *Nassau, June* 16, 1862.

SIR: In answer to your letter of to-day, and with reference to its third paragraph and your excellency's question therein, viz, "I am ignorant whether you, a senior naval officer on the station, consider that in any case affecting the police of the harbor and the status of ships resorting to it you ought to act in concert with me or independent of me?" my answer is, I am certainly here to act in concert with your excellency on all occasions influencing Her Majesty's service in sustaining the execution of the laws when called upon by you officially to do so. Independent in my action in my official capacity afloat, carrying out such services co-operating with you, as senior naval officer in the harbor, to the best of my judgment for due respect being paid to it, and using my discretion as a seaman in things pertaining to my profession, submitting what may be necessary for Her Majesty's service to you, and in the case of prompt action being required among the shipping, using my own discretion, and in such cases as the Oreto acquainting you immediately.

On the Oreto I have repeated my professional opinion, as also that of my officers, and I still have to express my conviction that she is a vessel of war that can be equipped in twenty-four hours for battle, and that she is now about going out of the harbor as nearly equipped as a vessel of war can be without guns, arms, and ammunition.

But since it is not sanctioned by the law-officers of the Crown in Nassau to detain the Oreto on my reports, and I am told by your excellency that you do not think it consistent with law or public policy that she should be seized on the hypothesis that she is clearing out for the purpose of arming herself as a vessel of war beyond the limits of the harbor, taking into consideration her equipment as she now is, and my decided statement as to the character, build, fittings, &c., for your information, I have the honor to report that I should not like to take on my own responsibility the further detention of the Oreto for the purpose of placing her in the admiralty court here, it being contrary to the law-officers' opinion; nor should I desire to adopt the course of sending her to the commander-in-chief against your excellency's wishes. I will therefore remove the officers and men in charge of the Oreto, and as a final decision has been come to, offer no further obstacle to her sailing.

I have, &c.,
(Signed) H. D. HICKLEY.

[Inclosure 27 in No. 17.]

Governor Bayley to Commander Hickley.

GOVERNMENT HOUSE, *Nassau*, *June* 17, 1862.

SIR: I have the honor to acknowledge, and the pleasure of thanking you for your letter dated the 16th instant, in reply to my letter of the same date.

I can assure you I am perfectly sensible of the zealous activity which you have exhibited in your attempts to preserve the neutrality of the harbor, in accordance with the law of England and the avowed policy of Her Majesty's government. And I am quite certain that in every case where your services may be required to protect either the peace or the neutrality of the harbor I may rely upon your prompt and hearty co-operation.

I felt it my duty in my letter of yesterday to express to you unreservedly my opinion on the case of the Oreto, and the doubts which I entertained respecting the legality and policy of preventing her from leaving the harbor.

These doubts were much increased by the strong opinion expressed by the law-officer of the Crown who discharges the conjoint duties of Queen's advocate and attorney general in this colony.

In deference to the views entertained by that officer and myself, you have, I now understand, removed the officers and crew who were in charge of the Oreto, and thereby given her the option of leaving the harbor.

But in the letter which announces this proceeding you repeat the expression of your own and your officers' conviction that "the Oreto is a vessel of war which can be equipped in twenty-four hours for battle." And in your brief conversation with me this morning you stated that, though the Oreto had discharged some of her [27] suspected *cargo here, still she was not leaving the port empty. A professional opinion coming from an officer of your character and rank cannot fail to have its due weight with me. On the one hand I am unwilling to place any restraint on a vessel which has not as yet been formally proved to have violated the law or impugned the neutrality of the harbor by any overt act. I am equally unwilling to place any limit on the rights of hospitality usually accorded to vessels of all nations in English harbors. I am most unwilling to strain the law to the prejudice of any vessel seeking that hospitality. But at the same time I cannot fail to recognize the great importance of the testimony which may be brought forward by yourself and your crew; nor can I fail to see the grave consequences which might result if a vessel equipped and fitted as you represent for the purposes of war were quietly allowed to take a crew here, and quit the harbor with the intention of fighting on the side of one of two belligerent states with each of whom Great Britain is at peace.

To the doubts which this dilemma creates, I can see only one solution. The equipment of the Oreto, the object of her voyage hither, the intent of her voyage hence, the nature of her crew and the purpose of their enlistment, are all the fair subjects of judicial investigation. We cannot detain or condemn her on mere suspicion; nor, when suspicion has been so generally aroused, can we permit her to depart unexamined and unabsolved.

Under every aspect, therefore, of the case, I think the best course which can be taken in the interests of yourself, the colony, and the government, will be to seize the Oreto, and at once submit the question of her condemnation to the local court of vice-admiralty; and I am glad to see that you abandon the idea of carrying her before the court of any other colony. If, on the evidence which you adduce, the court condemn her, you will have the satisfaction of having prevented, certainly an illegal, and probably a disastrous, voyage. If the court do not condemn her, you will have the satisfaction of having discharged your duty under circumstances of anxious doubt and difficulty, the solution of which will hereafter smooth the course of others placed in situations equally trying and embarrassing.

My opinion is that an appeal to the decision of the local vice-admiralty court is the best expedient which could be embraced by all the parties interested in the matter. I will give the necessary instructions to the Queen's advocate.

I have, &c.,
(Signed) C. J. BAYLEY.

[Inclosure 28 in No. 17.]

Governor Bayley to the Duke of Newcastle.

GOVERNMENT HOUSE, NASSAU, NEW PROVIDENCE,
Bahamas, *June* 26, 1862.

MY LORD DUKE: I have the honor to inclose copies of a letter addressed to Captain Hickley, royal navy, commanding Her Majesty's ship Greyhound, by the consul of the United States at this port, and of Captain Hickley's reply to that letter.

I have, in my dispatch, so fully entered into the details of the Oreto affair that it would be superfluous to trouble your grace with any reply to the criticisms which Mr. Consul Whiting has been pleased to pass upon the conduct of this government.

I leave it to your grace's superior judgment to decide whether the attention of the minister of the United States should not be drawn to the irregular proceedings of the consul, and making a gratuitous compliment to one of Her Majesty's naval officers, the vehicle of an equally gratuitous sneer at Her Majesty's principal civil officer in the colony to which he is accredited.

I have, &c.,
(Signed) C. J. BAYLEY.

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[28] *[Inclosure 29 in No. 17.]

Mr. Whiting to Commander Hickley.

UNITED STATES CONSULATE,
Nassau, June 24, 1862.

SIR: I feel it is due to you that I, as the representative of the United States Government at Nassau, should express to you my hearty thanks for the activity and energy you have manifested in causing the detention, if not the condemnation, of the rebel privateer Oreto.

From the evidence in my hands of the warlike character and designs of that vessel, I am astonished that the colonial government should have made it necessary for your interference in the matter. I am safe in assuring you that your prompt and decisive action in regard to this ship will meet with the high approval of the civilized world, and the sincere thanks of the Government I have the honor to represent.

I shall take pleasure in communicating your noble action in this matter to my Government as soon as possible.

I have, &c.,
(Signed). SAML. WHITING,
United States Consul.

[Inclosure 30 in No. 17.]

Commander Hickley to Mr. Whiting.

GREYHOUND, *Nassau, June* 25, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, in which, as the representative of the United States Government at Nassau, you "express your hearty thanks as due to me, for the detention, if not the condemnation, of the rebel privateer Oreto." And while expressing my sense of such communication from the representative of a foreign government in a British port, I must at the same time acquaint you that, co-operating as commander of Her Majesty's ship Greyhound with his excellency the governor of the Bahamas for the protection of the harbor of Nassau, I have deemed it expedient to arrest a vessel called the Oreto, under British colors, supposed to be acting in contravention to the foreign enlistment act, and that in so doing I have acted quite in harmony with the local government.

As to the astonishment which you express, "that the colonial government should have made it necessary for me to interfere," I have to inform you that in this affair I have performed only an executive duty in reporting to the governor the fittings and equipment of the Oreto, and suggesting to his excellency the propriety of placing her in the admiralty court for adjudication, as it is only by a naval officer's knowledge and experience in such matters that the government could be guided, and only on his professional opinion that it could act.

I have, &c.,
(Signed) H. D. HICKLEY.

No. 18.

Earl Russell to Mr. Stuart.

FOREIGN OFFICE, *August* 2, 1862.

Explanation afforded to United States Government.

SIR: You are no doubt aware that the British vessel Oreto, which formed the subject of my dispatches to Lord Lyons of the 29th of March and 12th of April last, has been seized in the port of Nassau, by Commander Hickley, of Her Majesty's ship Greyhound, acting in concert with the governor of that colony.

I abstain from expressing any opinion on the case pending its investigation by the competent tribunals. The voluminous papers which have just reached Her Majesty's government afford abundant evidence of the determination of Her Majesty's colonial and naval officers not to permit the violation in British waters of the provisions of the foreign enlistment act, or of the Queen's proclamation of neutrality. The United States consul at Nassau, having affirmed that the Oreto was intended for the service of the government of the so-styled Confederate States, a revenue officer was placed on board of her, and she was constantly inspected, and her proceedings narrowly watched by the senior naval officer on the station; and she was at last seized, not as would [29] appear on *account of any overt act of illegality which had been committed, but by reason of the strong suspicions to which her proceedings had given rise.

Her Majesty's government trusts that the Government of the United States will see in what has occurred in this instance the strongest proof of the desire of this country to fulfill its international obligations, and will hesitate to carry into effect the intention which Mr. Adams announced to me yesterday of issuing letters of marque with a view to checking depredations on United States commerce by cruisers of the so-styled Confederate States. There do not appear to be sufficient reasons for making such a measure necessary; and you are instructed to urge upon Mr. Seward the danger of dispute and violence in dealing with the vessels of friendly powers, if that extreme course should be determined on.

I am, &c.,
(Signed) RUSSELL.

No. 19.

Mr. Layard to Sir F. Rogers.

FOREIGN OFFICE, *August* 2, 1862.

Colonial Office informed that vessel should be detained until instructions can be given as to what further process should be instituted.

SIR: I have laid before Earl Russell your letter of the 31st ultimo respecting the seizure of the steamer Oreto, on suspicion of being intended for the service of the Confederate States; and I am, in reply, to request that you will state to his grace the Duke of Newcastle that Lord Russell is of opinion that orders should be sent to the governor of the Bahamas to detain this vessel until instructions can be given as to what further process should be instituted.

I am to add that Lord Russell is about to submit the papers inclosed in your letter for the consideration of the law-officers of the Crown.

I am, &c.,
(Signed) A. H. LAYARD.

No. 20.

The secretary to the admiralty to Mr. Layard.

ADMIRALTY, *August* 4, 1862. (Received August 6.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter, dated the 24th July, from

Vice-Admiral Sir Alexander Milne, relating to the seizure of the steamer Oreto, at Nassau, by Commander Hickley, of Her Majesty's ship Greyhound, on the ground that she was fitting there as an armed vessel for the service of the Confederate States of North America, in contravention of the Queen's proclamation of the 13th May, 1861, and of the foreign enlistment act of 1819.

A copy of the schedule of the twenty-two inclosures to Sir Alexander Milne's letter is also forwarded.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 20.]

Vice-Admiral Sir A. Milne to the secretary to the admiralty.

NILE, AT HALIFAX, *July* 24, 1862.

SIR: I have the honor to transmit, to be laid before the lords commissioners of the admiralty, the accompanying correspondence relative to the seizure at Nassau, by Commander Hickley, of Her Majesty's ship Greyhound, of the steamer Oreto, on the ground that she was fitting there as an armed vessel for a foreign service, in contravention of the Queen's proclamation of the 13th May, 1861, and of the foreign enlistment act of 1819, and to her consequently being thrown into the vice-admiralty court at Nassau.

Report from Vice-Admiral Sir A. Milne.

[30] *2. As on further reflection it appears to me more than probable that the governor of the Bahamas will have already forwarded to Her Majesty's government the particulars of this transaction, I abstain from giving effect to my first intention, which was to express to Commander Hickley my approval of the zeal displayed by him on this occasion, in giving proof that our neutrality between the belligerents was a reality, and that when the occasion offered Her Majesty's officers were quite ready to accept the responsibility of acting as in this case, wherein it appeared to be notorious, however incapable of legal proof it may turn out to be, that the vessel in question was fitting out in a British port as an armed confederate cruiser.

Should the law-officers of the Crown be of opinion that the seizure was illegal; that the very grave suspicion of being intended for employment as a southern cruiser; the fact of the vessel being fitted in every respect like one of Her Majesty's ships, and specially adapted for war; her armament ready to be put on board, with a crew of fifty men, and officers of the Confederate States ready to command her; should these facts be insufficient, in their opinion, to justify legally and technically the seizure, I yet trust their lordships will see fit to exonerate Commander Hickley from all blame and consequent reponsibility, in consideration of the difficult position in which he was placed, and of the fact that the occurrence of such a case is not directly or remotely contemplated in any of the special instructions which have from time to time been furnished for the guidance of Her Majesty's ships employed on this station in the present crisis.

Had this been the case of a *bona fide* armed vessel of either of the belligerents it would have been for the governor to have taken the initiative; but as the foreign-enlistment act specially arms naval officers with the authority to act under it without reference to the civil power, I apprehend no objection can be taken to Commander Hickley's line of conduct in this respect, which I consider, under the circumstances, was perfectly right and proper, the opinion of the local Queen's advocate having only reference to the weight of evidence that could be adduced on a purely professional point, and did not call in question the authority of Commander Hickley to act in sufficient proof of the law being infringed. At the same time, however, I cannot lose sight of the allegation that, when seized, the ship herself was not more complete as an armed ship than when she fitted out and left Liverpool; or of the fact that there may be a great difficulty in proving, under the foreign-elistment act, "the prince, state, potentate, &c.," in whose service this steamer was to have been employed.

I have, &c.,
(Signed) ALEX. MILNE.

[Many of the inclosures in this dispatch are the same as inclosures in No. 17.]

No. 21.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *August* 9, 1862.

Approval of seizure.

SIR: I have laid before Earl Russell your letter of the 4th instant, inclosing copies of a correspondence respecting the seizure of the steamer Oreto, by Captain Hickley, of Her Majesty's ship Greyhound; and I am to request that you will state to the lords commissioners of the admiralty, in reply, that Captain Hickley should, in Lord Russell's opinion, be secured from all costs and damages for this very proper act.

I am, &c.,
(Signed) A. H. LAYARD.

No. 22.

The law-officers of the Crown to Earl Russell.

TEMPLE, *August* —, 1862. (Received August 12.)

Opinion of law officers.

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 22d instant, stating that he was directed by your lordship to transmit to us the accompanying letter and its inclosures from the Colonial Office, respecting the seisure of the vessel Oreto at the Bahamas on the suspicion of having on board stores intended for the use of the Confederate States.

[31] *Mr. Layard was also pleased to state that he inclosed a letter addressed to the Colonial Office, from which we should see that this vessel is to be detained until further instructions are sent to the governor of the Bahamas, and that he was directed by your lordship to request that we would take these papers into our consideration, and furnish your lordship with our opinion as to the form of prosecution to be adopted in this case, whether proceedings should be instituted under the provisions of the foreign-enlistment act or for a violation of the law of nations, and with any other observations which we might have to offer on the matter.

Mr. Layard was further pleased to state that he also inclosed for our information a previous correspondence respecting this vessel when she was being fitted out at Liverpool.

In obedience to your lordship's commands we have taken these papers into our consideration, and have the honor to report—

That it appears to us to be proper, in the first instance, to correct a misapprehension which is to be found in Mr. Layard's letter, and also in that of Sir F. Rogers of the 31st July. The seizure is therein described as the "seizure of the vessel Oreto at the Bahamas on the suspicion of having on board stores intended for the use of the Confederate States," whereas the seizure in reality took place, and can only be justified on the ground of a violation of the foreign-enlistment act by those in charge of the Oreto, by reason of her having been "equipped, furnished, fitted out, or armed for the purpose of being employed in the conduct of hostilities against" the Government of United States. A merchant-vessel under the British flag, lying at the Bahamas, and having for her cargo "stores intended for the use of the Confederate States," even though such stores were military or naval stores, would not be guilty of a breach of the foregn-enlistment act, or of any other provision in the municipal law of this country; though, by the laws of war, she would be liable to capture on the high seas by cruisers of the United States, as carrying contraband, or sailing with an express intent to violate an existing effective blockade.

As regards the manner in which this vessel ought now to be dealt with, we concur in the views expressed by Governor Bayley that the question of condemnation ought to be submitted to the local court of vice-admiralty. The act, section seven, directs that the prosecution of the vessel to condemnation is to be "in such courts in which ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs or excise, or of the laws of trade and navigation." We think that the facts warranted the seizure, but we must add that it is very important that, on the trial, evidence should be adduced of what occurred at Liverpool, as regards the building and fitting out, and the alleged ownership and destination of the Oreto; and also that, if possible, the circumstances under which she took on board the shot, shells, and ammunition which she is said to have discharged into some other vessel when off Nassau, should be ascertained and proved. This, coupled with the subsequent career of the vessel, strengthens the conclusion that she was destined and "equipped" in her structure and otherwise for taking part in the war against the United States.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.

No. 23.

Mr. Layard to Sir F. Rogers.

FOREIGN OFFICE, *August* 14, 1862.

SIR: With reference to my letter of the 2d instant respecting the gun-boat Oreto, I am directed by Earl Russell to transmit to you, to be laid before the Duke of Newcastle, a copy of the opinion of the law-officers of the Crown as to the proceedings to be adopted in this case.[1] I am further to transmit to you for his grace's information a copy of a letter which has been sent to the treasury, suggesting the propriety of directions being given to the commissioners of customs to send to Nassau a custom-house officer from Liverpool, who can give evidence of the facts with regard to the Oreto which occurred there.

I am, &c.,
(Signed) A. H. LAYARD.

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[32] *No. 24.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *August* 14, 1862.

Proposal to send a customs officer from Liverpool to give evidence.

SIR: With reference to the correspondence which took place between this department and the treasury in the early part of this year respecting the gun-boat Oreto, which was asserted to have been fitted out at Liverpool for the service of the so-styled Confederate States of North America, I am directed by Earl Russell to state to you that it appears from reports which have reached Her Majesty's government that this vessel has been seized at Nassau by Commander Hickley, of her Majesty's ship Greyhound, on the ground that she was fitting there as an armed vessel for the service of the Confederate States, in contravention of the Queen's proclamation of the 13th May, 1861, and the provisions of the foreign enlistment act, and that the case is to be tried before the vice-admiralty court of that colony.

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[1] No. 12.

I am to transmit to you a copy of an opinion of Her Majesty's advocate and solicitor general as to the proceedings to be adopted in this case;[1] and I am to request that, in laying the same before the lords commissioners of Her Majesty's treasury, you will suggest to their lordships the propriety of giving directions to the commissioners of customs to send to Nassau a custom-house officer from Liverpool, who can give evidence of the facts with regard to the Oreto which occurred there.

I am, &c.,
(Signed) A. H. LAYARD.

No. 25.

Mr. Hamilton to Mr. Hammond.

TREASURY, *August* 20, 1862. (Received August 20.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that they have caused Mr. Layard's letter of the 14th instant, with its inclosure on the subject of the proceedings to be adopted in the case of the gun-boat Oreto, which has been seized by Her Majesty's ship Greyhound at Nassau, Bahamas, for an alleged violation of the foreign enlistment act, to be communicated to the commissioners of customs, with a request to that board to take the necessary steps for sending to Nassau some gentleman connected with their department who is competent to afford the information required in this matter, putting him in communication with the under-secretary of state for foreign affairs previously to his departure for Nassau.

My lords desire me to suggest for the consideration of Earl Russell, whether it would not be advisable that the customs officer should have an interview with the law-officers of the Crown previously to starting for Nassau, in order that it may be ascertained whether the information he possesses is that which will be conducive to the object in view.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 26.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *August* 20, 1862.

SIR: I am directed by Earl Russell to request that you will state to the lords commissioners of Her Majesty's treasury that his lordship concurs in the suggestion, contained in your letter of to-day's date, that the officer of customs, who is to proceed to Nassau to give evidence respecting the Oreto, should have an interview with the law-officers of the Crown previously to his departure; and Lord Russell has accordingly requested the law-officers to name a day on which it may be convenient to them to receive him.

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[1] No. 22.

I am, &c.,
(Signed) A. H. LAYARD.

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[33] *No. 27.

Mr. Layard to the law-officers of the Crown.

FOREIGN OFFICE, *August* 20, 1862.

GENTLEMEN: With reference to your report of the 12th instant, respecting the case of the Oreto, I am directed by Earl Russell to acquaint you that it has been determined to send one of the customs officers from Liverpool to Nassau, to give evidence as to the equipment of this vessel in England; and I am to request that you will be good enough to appoint a day on which you can receive this gentleman, in order that it may be ascertained whether the information he possesses is that which will be conducive to the object in view.

I am, &c.,
(Signed) A. H. LAYARD.

No. 28.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
August 26, 1862. (Received August 26.)

SIR: With reference to Mr. Layard's letter of the 14th instant, on the subject of the gun-boat Oreto, which was fitted out at Liverpool, and has since been captured by Her Majesty's ship Greyhound at Nassau, Bahamas, for an alleged violation of the foreign enlistment act, I am directed by the lords commissioners of Her Majesty's treasury to transmit herewith copy of a report of the commissioners of customs of the 25th instant, with its inclosures, for the information of Earl Russell, with reference to this question.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 28.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *August* 25, 1862.

Report from customs as to proceedings at Liverpool.

Your lordships having, by Mr. Hamilton's letter of 20th instant, transmitted to us, with reference to previous correspondence on the subject of the gun-boat Oreto, which was fitted out at Liverpool, and has since been captured by Her Majesty's ship Greyhound at Nassau, for an alleged violation of the foreign enlistment act, copy of a letter from the Foreign Office, and of its inclosure, on the subject of the proceedings to be adopted in the matter, and requested that he would take the necessary steps for sending to Nassau some gentleman connected with this department competent to afford the information required in the case, we beg to transmit, for the information of your lordships, copies of the report of our collector at Liverpool, with whom we have been in communication on the subject, together with copies of the statements of Mr. Morgan, the surveyor, and Mr. Lloyd, the examining officer, who visited and kept watch on the Oreto from the time that suspicions were first entertained of her being fitted for the so-called Confederate States until she sailed from the port, together with copy of the statement on oath of Mr. Parry, the pilot who had charge of the ship from the time she left the Toxteth dock until she left the Mersey; and as, from these papers, the pilot would appear to be the most fitting person to give evidence in the case, we beg to be favored with your lordship's further instructions as to the person who should be directed to proceed to Nassau.

(Signed) F. GOULBURN.
R. W. GREY.

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[34] *[Inclosure 2 in No. 28.]

Mr. Edwards to the commissioners of customs.

LIVERPOOL, *August* 23, 1862.

HONORABLE SIRS: It will be seen from the annexed statement of Mr. Morgan, surveyor, that he will be able to state the fact of the vessel being built by Messrs. Miller & Sons, and of the absence of all warlike stores on board when she left the docks; while the evidence of Mr. Lloyd, the examining officer, fully supports the statement of the pilot, Mr. Parry, which, from its importance, I have taken on oath, as it appears to me he would be the most fitting person to give evidence of the absence of all warlike stores on board the vessel when she left this country.

I am satisfied that she took no such stores on board, and indeed it is stated, though I know not on what authority, that her armament was conveyed in another vessel to Nassau. The board will therefore perceive that the evidence to be obtained from this port will all go to prove that she left Liverpool altogether unarmed, and that while here she had in no way violated the law.

(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 28.]

Statement of Mr. Edward Morgan.

I am one of the surveyors of customs at this port; pursuant to instructions I received from the collector on the 21st February in the present year and at subsequent dates, I visited the steamer Oreto at various times, when she was being fitted out in the dock, close to the yard of Messrs. Miller & Sons, the builders of the vessel. I continued this inspection from time to time until she left the dock, and I am certain that when she left the river she had no warlike stores of any kind whatever on board.

After she went into the river she was constantly watched by the boarding officers, who were directed to report to me whenever any goods were taken on board, but, in reply to my frequent inquiries, they stated nothing was put in the ship but coals.

(Signed) EDWARD MORGAN, *Surveyor.*

[Inclosure 4 in No. 28.]

Statement of Mr. Henry Lloyd.

In consequence of instructions received from Mr. Morgan, surveyor, I, in conjunction with the other three surveyors of the river, kept watch on the proceedings of the vessel Oreto from the time she left the Toxteth dock, on the 4th March last, till the day she sailed, the 22d of the same month. On one occasion I was alongside of her, and spoke to Mr. Parry, the pilot, and the chief mate. Neither I nor any of the other river surveyors saw at any time any arms or warlike ammunition of any kind taken on board, and we are perfectly satisfied that none such was taken on board during her stay in the river.

(Signed) H. LLOYD, *Examining Officer.*

[Inclosure 5 in No. 28.]

Statement on oath of Mr. William Parry.

I was the pilot in charge of the ship Oreto when she left the Toxteth dock on the 4th March, 1862. I continued on board to the day of her sailing, which was the 22d of the same month, and never left her save on Sunday, when all work was suspended. I saw the ship before the coals and provisions were taken into her; there were no munitions of war in her; that is to say, she had no guns, carriages, shot, shell, or powder; had there been any on board I must have seen it. I piloted the ship out of the Mersey to Point Lynas, off Anglesea, where I left her, and she proceeded down channel, since which she has not returned. From the time the vessel left the river until I left [35] her *she held no communication with the shore, or with any other vessel, for the purpose of receiving anything like cargo on board. I frequently saw Mr. Lloyd, the tide surveyor, alongside the ship while in the river.

(Signed) WM. PARRY.

Sworn before me, at the custom-house, Liverpool, this 23d August, 1862.

(Signed) S. PRICE EDWARDS, *Collector.*

No. 29.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 29, 1862.

SIR: With reference to the case of the steamer Oreto, which you are probably aware has been seized at Nassau, and is to be tried before the admiralty court of the Bahamas for a breach of the foreign-enlistment act, I have the honor to inclose, for your information, copies of a report, and its inclosure, from the commissioners of customs with reference to a suggestion I had made to the treasury that a competent officer should be sent to Nassau to give evidence as to what occurred at Liverpool in the case of that vessel.[1]

I am, &c.,
(Signed) RUSSELL.

No. 30.

Earl Russell to Mr. Stuart.

FOREIGN OFFICE, *August* 30, 1862.

SIR: With reference to my dispatch of the 2d instant, I inclose, for your information, copies of further papers respecting the Oreto.[1]

I am, &c.,
(Signed) RUSSELL.

No. 31.

The Queen s advocate to Mr. Layard.

5 ARLINGTON STREET, LONDON,
September 3, 1862, 10 *o'clock.* (Received September 3.)

MY DEAR LAYARD: The attoney general and I met at the former's chambers at 1 o'clock to-day. If the person who is to be sent to Nassau be in town we could see him to-day on the subject of the evidence (mentioned in your letter of the 20th) as to the equipment of this vessel. If he be not in town, had we not better see the solicitor for the treasury, or somebody *ejusdem generis*, upon the subject to-day?

Failing both these propositions, it would remain to fix another day, but this is not easy in vacation time, for my colleagues at least; but in this event what day occurs to you as most likely to find the custom-house officer (or whoever is to be sent) as prepared with his evidence?

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[1] No. 28.

I have, &c.,

(Signed) ROBERT PHILLIMORE.

No. 32.

Mr. Layard to the Queen's advocate.

FOREIGN OFFICE, *September* 3, 1862.

Mr. Layard presents his compliments to Her Majesty's advocate general, and, with reference to his note of this morning, begs leave to inclose a report from the commissioners of customs which seems to show that no good would result from sending a custom-house officer to Nassau to give evidence in the case of the Oreto.

[36] *Should the Queen's advocate and the attorney general concur in this opinion, Mr. Layard would inform the law officers officially that the conference with the Liverpool custom-house officer was no longer necessary.

No. 33.

The Queen's advocate to Mr. Layard.

DOCTOR'S COMMONS,
September 3, 1862. (Received September 3.)

The Queen's advocate presents his compliments to Mr. Layard, and with reference to his note of this morning begs to state that the Queen's advocate has conferred with the attorney general, and that they have together perused the inclosures marked 1, 2, 3, 4, and 5, contained in the letter from the treasury of the 26th August last, and are of opinion that it will not be necessary to send a custom-house officer from Liverpool to Nassau to give evidence in the case of the Oreto.

At the same time they are desirous of pointing out to the attention of Mr. Layard that the evidence of the custom-house officer negatives only the arming of the Oreto, and the putting warlike stores on board of her, and is silent as to any other circumstances of suspicion, such as any peculiarities in the equipment of the vessel, her being pierced for guns, or the like, and as to any statement of the captain or others as to her real destination.

No. 34.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *September* 4, 1862.

SIR: I am directed by Earl Russell to transmit to you a copy of a memorandum by Her Majesty's advocate general,[1] stating that the attorney general and he have perused the inclosures Nos. 1, 2, 3, 4, and 5, in your letter to Mr. Hammond of the 26th ultimo, and that they are of opinion that, under the circumstances therein stated, it will not be necessary to send a custom-house officer to Nassau to give evidence in the case of the Oreto. It is observed, however, in the memorandum that the papers inclosed in your letter are silent as to various other suspicious circumstances in regard to that vessel; and I am to request that, in laying the memorandum before the lords commissioners of Her Majesty's treasury, you will move their lordships to communicate it to the commissioners of customs for such observations as they may have to offer thereupon.

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[1] No. 33.

I am, &c.,
(Signed) A. H. LAYARD.

No. 35.

The secretary to the admiralty to Mr. Layard.

ADMIRALTY, *September* 15, 1862. (Received September 16.)

Release of Oreto. Government costs amount to £145.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter, dated the 4th instant, from Vice-Admiral Sir Alexander Milne, reporting the release of the Oreto steamer.

I am, &c.,
(Signed) W. G. ROMAINE.

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[37] *[Inclosure in No. 35.]

Vice-Admiral Sir A. Milne to the secretary to the admiralty.

NILE, OFF CAPE RACE, *September* 4, 1862.

SIR: With reference to my letter of the 24th July last, I beg you will acquaint their lordships that I learn, by telegraph via Halifax, that the Oreto has been released, and we pay our costs, amounting to £145.

By next mail I shall be able to furnish their lordships with further particulars.

I have, &c.,
(Signed) ALEX. MILNE.

[No. 36.]

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *September* 16, 1862.
(Received September 16.)

SIR: With reference to the correspondence between the Foreign Office and this office respecting the steamer Oreto and the gun-boat known as No. 290, I am directed, by the Duke of Newcastle, to transmit to you the copies of two dispatches from the governor of the Bahamas, the first reporting that the judges of the vice-admiralty court had decreed the restoration of the Oreto, the second inclosing a copy of the decree.

His lordship will not fail to observe that this decision of the vice-admiralty court of the Bahamas will place the governor of that colony in some difficulty in acting on the instructions conveyed to him in consequence of your letters of the 31st of July and the 1st of August last, which were to the effect that he should seize the gun-boat No. 290, in case she should put into Nassau.

It is, therefore, for his lordship's consideration whether any further or different instructions should be forwarded to him by the mail of the 27th instant.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 36.]

Governor Bayley to the Duke of Newcastle.

GOVERNMENT HOUSE, *Nassau, August* 11, 1862.

Report from Governor Bayley. Liberation of the vessel decreed by vice-admiralty court.

MY LORD DUKE: Adverting to my dispatch of 21st June, I have now the honor to inform your grace that on the 2d of August the judge of the vice-admiralty court decreed the restoration of the Oreto, but at the same time adjudged each of the parties to the suit to pay their own costs. This adjudication was made on the ground that there were circumstances of suspicion strong enough to justify Captain Hickley in seizing the Oreto as a vessel intending to arm in the service of a foreign belligerent power.

2. The liberation of this vessel suggests the probability of certain contingencies against which it is expedient to provide.

3. I do not think it likely that we shall ever obtain stronger proof against any vessel than was produced against the Oreto of an intention to arm as a belligerent. Therefore we may assume that no prosecution of the same kind will be instituted, or if any be instituted that it will fail. The natural consequence will be that many vessels will leave England partly equipped as men-of-war or privateers, and intending to complete their equipment here. But the notoriety of this practice will induce Federal men-of-war to frequent these waters, and virtually blockade these islands, in greater force than they have hitherto done; and when they are assembled in numbers it will be vain to reckon on their observing any respect for territorial jurisdiction or international usage. I should neither be surprised to see Federal ships waiting off the harbor to seize these confederate vessels, nor to see the confederate ships engaging with Federal men-of-war within gun-shot of the shore. The only means of preserving the peace and the neutrality of these waters will be afforded by the presence of an adequate naval force. I imagine that two small armed vessels, mounting from twelve to sixteen guns each, would be sufficient for the purpose. At present we have only one in harbor, the Petrel, of eleven guns.

4. There are loud and general complaints among the colonists of the manner in which, as they express themselves, parts of these islands are blockaded. Certainly, it is impossible to imagine a stricter principle of interpretation than that which, in
[38] these days *of Armstrong guns, confines the right of territorial sovereignty to
three miles from the shore, and makes no distinction between the outward or seaward islands and those which form the inner belt of a large group like the Bahamas. So long as the Americans regard the three miles' distance from the shore of any of our islands as the extent of our sovereignty, so long will these seas, which belong to a British colony, be virtually blockaded by their squadron. And there is this peculiar unfairness in this mode of computation: The Americans, I am informed, assert that their own territorial sovereignty extends twenty miles beyond the extreme capes and headlands of their coast. If this be true, we are placed on a footing of signal disadvantage in all questions of international rights which may arise between the two nations at critical times like the present; and this disadvantage is most sensibly felt in this part of the world.

5. However, this part of the subject is of wider scope than that on which I commenced this dispatch, and will doubtless engage the attention of Her Majesty's government.

6. Meanwhile I solicit from your grace such instructions as your grace may conceive necessary to meet the more immediate consequences of the Oreto's liberation.

I have, &c.,
(Signed) C. J. BAYLEY.

P. S.—*August* 18.—Since the first part of this dispatch was written, yellow fever, which had previously shown itself among several sailors belonging to merchantmen in the harbor, has extended to Her Majesty's steamer Petrel.

One officer and two seamen of that ship have died, and five or six are now sick in hospital. Speaking to me on the subject, Captain Watson remarked that no vessel mounting fewer than sixteen guns ought to be sent to this port during the hot season of the year, on account of the ventilation necessary for preserving the health of the men. During the cool season this is not an object of paramount importance.

C. J. B.

[Inclosure 2 in No. 36.]

Governor Bayley to the Duke of Newcastle.

GOVERNMENT HOUSE, *Nassau, August* 14, 1862.

MY LORD DUKE: Reverting to my dispatch of the 11th instant, I now have the honor to inclose two copies of the admiralty judge's decree in the case of the Oreto, which Mr. Lees informs me are quite correct.

I have, &c.,
(Signed) C. J. BAYLEY.

[Inclosure 3 in No. 36.]

Decree in the case of the British steamship Oreto.

In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The British Steamship or Vessel Oreto, (whereof James Alexander Duguid is, or lately was, master,) her tackle, &c., &c.

I, Joshua Anderson Brook, registrar of the vice-admiralty court of the Bahamas, do hereby certify that the annexed contains a true copy of the decree pronounced by the worshipful the Honorable John Campbell Lees, judge and commissary of the said court, in the above case, on the 2d day of August, in the year of our Lord 1862, as remains of record in the registry of this honorable court.

Given at the city of Nassau, in the island of New Providence, under the seal of the said court, this 13th day of August, anno Domini 1871, and of our reign the thirty-fifth.

J. A. BROOK, *Registrar.*

In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The British Steamship or Vessel Oreto.

The British steamship Oreto has been seized by the commander of Her Majesty's ship Greyhound, on the alleged ground, as appears by the libel, that James Alexander Duguid, now or lately master of the said ship, and others exercising authority over her, have, without leave of Her Majesty the Queen, and within the jurisdiction of [39] *the Bahamas, attempted to equip, furnish, and fit out the said steamship Oreto, with intent that she should be employed in the service of certain persons exercising, or assuming to exercise, the powers of government in certain States claiming to be designated and known as the Confederated States of America, to cruise and commit hostilities against the citzens of the United States of America, Her Majesty the Queen being, at the time, at peace with the said United States, and have thereby acted in violation of the provisions of the act 59 Geo. III, cap. 69, commonly known as the foreign-enlistment act.

Now, to support the libel, it is necessary that proof should be given—

1st. That the aforesaid parties having charge of the Oreto, while the vessel was within the jurisdiction of the vice-admiralty court of the Bahamas, attempted to equip, furnish, and fit her out as a vessel of war.

2dly. That such attempt was made with the intent that she should be employed in the service of the Confederated States of America; and,

3dly. That such service was to cruise and commit hostilities against the citizens of the United States of America. Witnesses have accordingly been produced to prove that the Oreto is constructed for and fitted as a war-vessel; that acts have been done in her, since she came to Nassau, which constitute an attempt to equip, fit, and arm her as a vessel of war. That from certain conversations which were overheard between the master of the vessel and a person who came out passenger in her, and from certain acts done by this person, there is proof that she was intended for the service of the Confederated States of America, and to cruise against the citizens of the United States.

It has been contended by the proctor for the respondents that proof ought also to have been given that Her Majesty the Queen was at peace with the United States of America, as the court cannot take judicial notice of that fact. That it ought to have been proved that there is such a place as the Confederated States of America, and that proof should have been given that no leave had been obtained to fit the Oreto as a vessel of war. Without entering further into the subject, I will dismiss these points by stating my opinion, that the court is bound to take judical notice of Her Majesty's proclamations, and that in the proclamation of the 13th May, 1862, the Confederated States of America are named, and it is also alleged that Her Majesty is at peace with the United States of America, and that as the allegation in the libel, that there was no license from Her Majesty to fit the Oreto as a vessel of war, has not been traversed, the court has a right to assume that it is admitted.

A responsive plea has been put in by the defendants—

1st. Denying that there was any agent of the owners or persons interested in the Oreto, of the name of John Lowe, on board of her, as affirmed in the libel; that the said Lowe was merely a passenger, and never exercised any power or control over the vessel.

2dly. Denying that James Alexander Duguid, the captain, or any person exercising authority over the said steamship, attempted to equip, furnish, or fit out the said ship, with intent that she should be employed in the service of the Confederated States of America, to cruise and commit hostilities against the citizens of the United States.

3dly. That while the Oreto lay in the river Mersey, immediately previous to her sailing for this port, British men-of-war frequently passed and repassed her, and that she was at all times in a conspicuous and public position without having been seized or arrested, or subjected to detention, and that she quitted Liverpool in the open day without any manner of haste or secrecy; that the master, while she was so lying in the Mersey waiting instructions from the owner, directed the mate to employ the crew during their leisure hours in doing ordinary ship's work, fitting gear, stropping blocks, &c., during which time, as well as after she sailed, certain spare blocks which were then on board and which were intended solely for the use of the ship as part and parcel of her rigging, and not in any way whatever as blocks for gun-tackles or as part of the furniture of guns, were stropped by the said crew, and the said blocks were never known or called as gun-tackle blocks, until a certain Edward Jones, a man of infamous and abandoned character, who had been shipped on board in the capacity of boatswain, called them gun-tackle blocks. That neither the said Alexander Duguid, nor any person whosoever, having authority over the said steamship during the time she was at the port of Nassau, ever gave any orders or directions to strop blocks as gun-tackle blocks, or to strop any blocks whatever. But any blocks which may have been stropped on board the said ship were done by the seamen of the Oreto in their ordinary avocations, and is always done on board merchant-ships in order that they might have employment on board, and not for the purpose of fitting the Oreto as a vessel of war.

4thly. That no faith or credit ought to be given to the depositions of Charles Ward, a witness for the party proponent; that he is a man of abandoned character, and [40] is *actuated by malicious and vindictive feelings against the said James Alexander Duguid, and has sworn falsely for the purpose of carrying out an avowed intention of doing an injury to the said J. A. Duguid.

On the evidence given in support of this plea, I shall remark as I proceed.

The evidence which has been produced in support of the prosecution may be classed in two parts:

1st. That which relates to circumstances which occurred before the vessel arrived within the jurisdiction of the admiralty court of this colony; and,

2dly. That which applies to facts done subsequently to such arrival.

To the first division belong the construction and fitting of the vessel before she left England, the flags or other materials which she had on board when she sailed, and the conversations or remarks of the parties in charge of her while on her passage from England.

To the second division belong the proceedings on board the vessel after her arrival within the jurisdiction of the Bahamas vice-admiralty court.

From the evidence appertaining to the first division I abstract the following, which is all that I think in any degree material:

Mr. Wynne Fitzjames Duggan, the chief mate of the Oreto, says: I am chief officer of the Oreto. The number of men all told on board was fifty-two or fifty-three. I believe that was an ordinary crew. We had not too many. We had no cargo. The Oreto was fitted (when she left England) as she is now. All vessels are not fitted alike. I have seen some ships fitted with regard to bolts in ports as she is. I have seen vessels intended to carry cargo fitted as she is. Some of Green's and Wigram's ships are so fitted. There was a passenger on board whose name was Lowe. He did not, to my knowledge, exercise any authority over the ship.

In the cross-examination, Mr. Duggan says: I had access to every part of the ship Oreto. I have gone right through the vessel. I have never seen any implements of war or any ammunition on board of her. The shot-boxes were full of cabbages, turnips, and potatoes.

William Porter, a seaman of the Oreto, deposes that the vessel had no stowage-room for cargo. She was not fitted as merchant-vessels usually are. She had a magazine. He says, I believe there were shell-rooms. I was in a room where shells were stowed. She had light-rooms. They are not usual in merchant-vessels. She had boxes for shot. She had two gigs, a life-boat, pinnace, and dingey. I took her to be a gun-boat. We had a passenger named Lowe on board. As far as I could see, Mr. Lowe had a little authority on board. On one of the mess kids being broken, I heard Mr. Lowe say to Captain Duguid he ought to take better care of the things. Mr. Lowe had given me different orders, and told me to steer different courses when I was at the helm.

Cross-examined. I cannot say whether Captain Duguid knew it. I might have been reprimanded if he had.

Peter Benson, a seaman of the Oreto, says: The Oreto (meaning when she sailed from England) was fitted just as she is at the present time. I have not been in steamboats before. I have been in sailing-vessels. I have never been on board of one fitted like the Oreto. There is no place for cargo.

Walter Irving, a fireman of the Oreto, states: I have served on board steamships before; I have been so serving six or seven years. The Oreto was not fitted like the steamships I have been serving in before; they were merchant-ships and passenger vessels. I did not see any cargo on board the Oreto; there were shot and shell boxes, and a place which the crew called a magazine. I know a flag they call the confederate flag; I saw one on board the Oreto. I saw it on the quarter-deck before we came in here; I saw it among other flags. There was an American and a French flag.

There was a passenger on board named Mr. Lowe; he seemed to have great interest in the ship.

With respect to the flag mentioned by this man, I will observe that had there been a confederate flag on board the Oreto, I should not consider it as very powerful evidence, inasmuch as it was with American, French, and other flags, and might have been sent on board with a general assortment of flags, which many merchant-vessels have. But it will be seen that Captain Duguid, in his examination, swears that there was no confederate flag on board. He states that when the flags were sent on board the ship at Liverpool they were wrapped up in separate papers, and marked with their respective names; that seeing one marked "confederate flag," he immediately sent it ashore, fearing that the possession of such a flag might involve them in some trouble, should they be boarded by an American vessel of war. Drawing my conclusions from the manner in which his evidence was given, and all the accompanying circumstances, [41] I *cannot but be of opinion that there was no confederate flag on board after the ship left Liverpool, and consequently that the witness Walter Irving and the man Ward, who gives evidence to the same effect, have stated, as far as regards the confederate flag, what is not true.

Thomas Robinson, a fireman of the Oreto, states: I have served on board of ocean steamers; in the Great Britain and Great Eastern steamships, and in the Cunard line of boats; there was a great difference in the fitting of the Oreto.

John Quinn, a fireman of the Oreto, says: I have been to sea ten years; I have been employed in merchant steamboats, in passenger vessels, and vessels carrying troops. I have never served on board a steam-vessel in the merchant service fitted out like the Oreto.

Charles Ward, the steward of the Oreto, says: The Oreto had not the appearance of such merchant-vessels as I have been in before. There were shot-lockers and magazine, and the kegs were marked "Magazine," "Gun-room," "Shell-room," &c.

Mr. Lowe was a passenger in her; four or five days after we sailed he came to me and told me to be careful and keep an account of everything, as it would be saving a good deal of trouble when the crew would be leaving, and her guns and ammunition put on board, and a new crew shipped, and very likely everything would be done in a hurry, and he said he would reward me handsomely. I have heard him repeatedly tell the captain to get things done as he wanted them done in the ship, and he was guided by Mr. Lowe on the voyage in the working of the ship and getting things done; this has happened several times. I heard the captain, Mr. Lowe, and the chief engineer speak with regard to the ship. I always understood them to say she was fitted for the southern government as a gun-boat, whether for the government or a private gentleman I cannot say—they were conversing in the cabin.

There was a flag in the captain's cabin; it had one white stripe and two red ones on each side of the white, and in the corner there was blue with stars in it. I do not know the secession flag. I heard Mr. Lowe told the captain that he treated the slaves on his plantation better than he (the captain) treated the men. Mr. Lowe stated that he would make a different arrangement when he came to port, and he did.

I heard Mr. Lowe tell Captain Duguid to get those gun-tackle blocks shipped and put them away, not to be used for any purpose at present. This was before we came here.

With respect to this evidence, I will here observe that Charles Ward had been put in prison by Captain Duguid for some alleged misconduct; that he gave his evidence evidently under feelings of resentment. Now, when the meaning of any conversation or remark he may have heard depends so much on the *ipsissima verba* which were spoken, the inferences which he may draw from them may be such as their import did not justify, and this evidence must, therefore, be received with great caution. The slightest difference in the words made use of in a conversation or observation, or the occasion which caused it, may give such conversation or remark an entirely different meaning from that which the speaker intended to convey; and it does appear to me rather unlikely that conversation or remarks of this nature should have taken place in the presence of the steward, or in the immediate vicinity of a place, within hearing distance, where he would be very likely to be.

Captain Duguid has sworn that no such conversation as Ward describes took place. Captain Duguid's statement is worth at least as much as Mr. Ward's. I shall, therefore, not consider these conversations to have been proved. It is true, as was stated by the advocate general, that Captain Duguid may be an interested witness; to what extent he may be so I do not know; but if the evidence of an interested witness may legally be given, although it should be received with caution, it certainly cannot be invalidated on that account. Captaid Duguid, in his evidence, states that Ward threatened when he came out of jail to fix him and the ship too. Ward denies having used this threat, but I am inclined to believe that he did. However, let one assertion be placed against the other; yet I must say that I did not feel at all satisfied with the manner in which Ward gave his evidence. He says, "Mr. Lowe told me to be careful and keep an account of everything, as it would be saving a good deal of trouble when the crew would be leaving, and the guns and ammunition put on board and a new crew shipped."

Now, allowing that there could be any connection between the things which a steward would have charge of and the leaving of a crew, which I do not see, what possible connection could they have with the shipping of guns and ammunition? I cannot but think it highly improbable that Mr. Lowe would have made so uncalled for, so irrelevant, and, to a stranger as this steward was to him, so imprudent a speech. Again, he says Captain Duguid was guided by Mr. Lowe during the voyage in the working of the ship. Can anything be more improbable than this? He says in another [42] part of his evidence, *"I heard Mr. Lowe tell Captain Duguid to get those gun-tackle blocks stropped, and to put them away, not to be used for any purpose at present. This was before we came here."

This Captain Duguid denies, and, as I said before, Captain Duguid's oath is certainly as much to be relied on as Mr. Ward's.

The observations which I made respecting the confederate flag when commenting on the evidence of Walter Irving apply equally to the evidence of Ward. I will only add that I think it very wonderful that he should have been so long both in Liverpool and here, and not know a confederate flag.

Captain Hickley, after stating certain motives which induced him to go on board the Oreto to examine her, gives the following evidence:

At noon, on the 10th June, I went on board the Oreto with some officers and men for the purpose of thoroughly examining her, and I found her discharging what I supposed to be shell at the time of going on board. I should have followed out my intention of thoroughly searching the vessel, but as she was clearing at the time, and the consignee assured me that she had cleared in ballast for the Havana, and as I actually thought this was the case—this testimony being strengthened by that of the revenue officer, I thought further interference on my part unnecessary, and so I quitted the ship. After some few details, to which I do not think it necessary to advert, he goes on to say: I quitted the ship with the understanding that I was to again visit her previous to her leaving; some days elapsed, and being convinced in my own mind that the vessel was not acting in good faith, I determined, before leaving, to make a thorough overhaul. Accordingly, on the 13th day of June, I proceeded on board with the officers and men chosen, on its being reported to me that the vessel had cleared in ballast by the consignee. On my first going over her side, the captain informed me that the crew had refused to get the anchor up unless they got a guarantee from myself or the governor as to where she was going; and on the captain calling the crew aft, and requesting them to state their grievances to me, the men did so in what I considered an orderly and proper manner, and in no mutinous spirit whatever, as far as I am capable of judging. I then proceeded to examine the vessel, and found her in every respect fitted as a war-vessel, precisely the same as vessels of a similar class in Her Majesty's navy. She has a magazine, and light-rooms forward, handing-rooms, and handing-scuttles for powder as in war vessels, shell-rooms aft fitted as in men-of-war, a regular lower deck, with hammock-hooks, mess-shelves, &c., as in our own war-vessels; her cabin accommodations and fittings generally being those as fitted in vessels of her own class in the navy. After making this thorough investigation, I quitted the vessel to make my report to his excellency the governor and the law-officer of the Crown. On Sunday, the 15th, the boatswain and a portion of the crew of the Oreto having made reports to me that I thought made it incumbent on me as a public officer to act promptly on, I forthwith seized the Oreto, concluding that his excellency was in church at the time, and made him acquainted with it as soon after church as possible. I received a protest that afternoon, and a letter the following day against, and calling for an explanation of, my proceedings on behalf of the captain, on the seizure of Sunday. A correspondence took place between myself, his excellency, and the law-officer of the Crown, which ended in my releasing the Oreto on Tuesday, the 17th, and on the vessel being released on this occasion, on further conversation and correspondence with the governor, it was deemed necessary fianally to detain the vessel for adjudication in the vice-admiralty court. I found no guns on board of her; she is a vessel capable of carrying guns; she could carry four broadside guns forward, four aft and two pivot guns amidships. Her ports are fitted to ship and unship, port bars cut through on the upper part, to unship also: the construction of her ports I consider are peculiar to vessels of war. I saw shot-boxes all around the upper deck calculated to receive Armstrong shot, or shot similar; she had breeching-bolts, and shackles, and side tackle-bolts. Magazine, shell-rooms, and light-rooms are entirely at variance with the fittings of merchant-ships. She had no accommodation whatever for the stowage of cargo, only stowage for provisions and stores. She was in all respects fitted as a vessel of war of her class in Her Majesty's navy.

In the cross-examination Captain Hickley says: The opinions of the governor and the law-officer of the Crown were to the effect that the vessel was not liable to seizure; this was after my report of the 13th, after I had made my first examination, with the exception of clearing the holds. The reason I considered she was acting in bad faith was because she did not sail on the 13th. When I go on board of her the first thing I am made acquainted with is the crew refusing to get the anchor up because they do not know where the ship was going, although she cleared in ballast for the Havana, and the crew could not get anybody to satisfy them on the point as to
[43] where the ship was going. Captain *Hickley then proceeds to state his opinion on various points, such as the right to build vessels adapted as vessels of war without Her Majesty's leave, the right of seamen to refuse going on any voyage which may prove ruinous to them, and he mentions various circumstances which caused him to inspect the Oreto. He says, "It is impossible for a vessel to fight without guns, arms, or ammunition on board; but the Oreto as she now stands could, in my professional opinion, that is to say, with her crew, guns, arms, and ammunition, going out with another vessel alongside of her, be equipped in twenty-four hours for battle." Captain Hickley makes some statements respecting a man named Jones; but as this man has gone away and has given no evidence in the case, I think it unnecessary to take any further notice of him. Alluding, however, to the information given, to him by Jones, Captain Hickley says: "On this public report I seized the vessel again, and Mr. Cardale, the second lieutenant of the Greyhound, was put in charge of her." Captain Hickley's evidence as to the construction and fittings of the vessel I should consider conclusive, even had there been no other; but that construction and those fittings were made, not here, but in England, and of whatever nature they may be, do not subject the vessel to forfeiture here. Captain Hickley, it appears, on certain grounds which he states, seized the Oreto; but acting on the opinion of the law officer of the Crown and that of the governor, he subsequently released her. Between this time and that of her ultimate seizure there is no evidence whatever that she did anything in violation of the foreign-enlistment act; but Captain Hickley's suspicions were aroused by the vessel not sailing for two or three days after that on which the consignee informed him she would; he therefore again went on board the Oreto, and found that the reason of her not going was because the crew had refused to get her under way on account of their not being satisfied as to what port she was bound to. I must confess I look upon this as exonerating Captain Duguid and others concerned from suspicion of *mala fides* for not having gone at the time specified by Mr. Harris, but Captain Hickley took a different view of it, and he thereupon seized the vessel again. Now, if he did this, as seems implied in part of his evidence, on account of the crew not being able to obtain satisfactory information as to the destination of the vessel, I can only remark that he did it on ground which is not within the purview of the statute under which she is libeled; but if Captain Hickley thought proper, on a reconsideration of the whole case, to seize her again, he had a right to do so.

Lieutenant Cardale gives nearly the same evidence as Captain Hickley did respecting the construction and fitting of the Oreto, proving that she is in every way adapted to be used as a vessel of war. He gives his opinion that the vessel could be fitted with her guns in twenty-four hours, supposing great exertions were made, with plenty of hands, and that everything was sent on board ready fitted for use; that is, the gun-carriage slides, train-tackles, side-tackles, and all the equipments of the guns.

With reference to what Captain Hickley as well as Lieutenant Cardale say respecting the possibility of fitting the vessel with guns, ammunition, &c., in a certain time, I have to observe that this evidence may be perfectly correct, but that I have no right whatever to take it into consideration. The case depends upon what has been done since the vessel came within this jurisdiction, and can in no way be affected by what it is possible might be done at some future period.

Mr. Stuart, the master and pilot of Her Majesty's ship Greyhound, corroborates the evidence of the Oreto being built and fitted as a vessel of war.

With respect to acts which were done, or circumstances which occurred on board the Oreto before she came within the jurisdiction of the Bahamas vice-admiralty court, it is admitted and is clear that the court has no authority to adjudicate. The only ground, then, on which the evidence of those facts or circumstances can be admitted at all, is that it may explain or elucidate acts which have taken place since the arrival of the vessel in this port. The stropping of blocks that might be used as gun-tackle blocks, or the taking of shells on board of a vessel built as a vessel of war, might afford ground for suspecting that such vessel was intended to be used as a vessel of war, when the same suspicion would not attach to a vessel not adapted for the purposes of war; and if there were evidence that a vessel was being armed for war purposes, the conversation of the parties so arming her, though occurring out of the jurisdiction of the court, might be evidence to point out for what purposes she was being armed. I proceed now to the evidence of what took place after the arrival of the Oreto in the Bahamas.

The chief mate, Duggan, says the vessel arrived at Nassau and went to Cochrane's Anchorage; some tackle-blocks were fitted on board of her, some there and some on the passage out. I do not know to what use they were to be applied; they were spare-blocks, and we fitted them in case they might be wanted. I do not know if they are what are called side-tackle or train-tackle blocks. I never saw a gun used in [44] my life. I can't say *if they were fitted as gun-tackle blocks are. I directed them to be fitted. No one ordered me to have them fitted. They are such blocks as are usually used as watch-tackle or luff-tackle blocks on board merchant-vessels. There was nothing put on board the vessel at Cochrane's Anchorage but coal and a spare spar. We came into this harbor from Cochrane's Anchorage. No fittings were put on the vessel in this harbor. There were some cases of shells came on board as cargo; we stowed them aft in a room which the boatswain called the shell-room. I have seen a similar compartment in merchant-vessels; we called it a store-room. I have seen the store-room filled with cargo in merchant-ships. I don't know how many cases of shell came; some two hundred or three hundred; they were put out again the same evening, or next day. I do not know the reason for discharging them. I was ordered by the captain to discharge them. The stropping of watch-tackle blocks were in the ordinary avocations of the seamen on board. There were no guns on board the ship that these blocks could be used for. He adds: I do not know that Captain Duguid, or any one else, had the intention that the Oreto should cruise or commit hostilities against any state, province, or people. I do not know that Captain Duguid, or any one else, attempted to equip, furnish, or arm the Oreto with that intent.

William Porter, a seaman of the Oreto, says: We went to Cochrane's Anchorage. There were blocks stropped for guns. I cannot say how many. They were blocks such as could be used for merchant-vessels, but they were not to be used as such. I will here ask: How does he know this? It is mere opinion, without any specified ground.

When the Oreto came into Nassau Harbor cases of shells were put on board. The next day, between breakfast and dinner, we were worked hurried to get them out. They were all cleared out before night. Orders were on two occasions given to get the anchor up. We refused to get the ship under way. Next day we all got police summonses. Our sole objection to get the vessel under way was that we had been deceived.

And on cross-examination he says: I had never seen a gun-tackle until I saw one on board the Greyhound.

I did not know there were gun-tackle blocks on board the Oreto. All I know is from what I heard from one of the seamen.

Mr. Porter's evidence must be taken *quantum valeat.*

Peter Hanson, seaman, says: While we lay at anchor blocks were stropped—two sheaf-blocks. I had orders from the chief mate to get the gun-tackle blocks stropped, and to do them as neat as possible, as they would have to be handed over to some person else, and there might be no fault found with them. There were no guns on board. The blocks were too small for luff-tackle blocks. They can be used on board a merchant-vessel. They are used for several purposes, but not such a quantity. There were more than were necessary for the usual use of the vessel. We came into the harbor. Some shell was put on board; it was stowed underneath the cabin. Some was put on board in the evening and some next morning. We had just finished before dinner, when we were told to discharge them again. We set to work to get them out. I worked very hard, and the shells were discharged on that day. We were ordered two mornings to take up the anchor. We disobeyed both times. We did not mutiny; we only wanted to be sure of British protection. We were in consequence summoned to go before the magistrate.

Benson, it will be observed, states that he had orders from the chief mate to get the "gun-tackle blocks stropped;" but whether he means that the mate made use of that term, or whether he merely uses it himself to designate the blocks he is speaking of, does not clearly appear. He says they could be used for several purposes on board a merchant-vessel, but not such a quantity. He grounds his belief, then, that they were to be used as gun-tackle blocks, on his opinion that there were more of them than were required for the ordinary use of the vessel.

Walter Irving, a fireman, says: I saw the men fitting blocks all the spare time they had. They were called gun-tackle blocks by the crew of the ship. As far as I can say, they were twenty or more. She remained at Cochrane's Anchorage six or seven weeks and then came into this harbor. I saw shell come on board of her and go out again.

Thomas Robinson, fireman, says: We arrived at Nassau, went to Cochrane's Anchorage. A passenger, called Mr. Lowe, came out with us. I saw him go ashore in a boat the first day we arrived. He came on board while we were at Cochrane's Anchorage two or three times. The only orders I ever heard him give on board the Oreto were to some divers that were putting on some copper. I have seen the sailors working at blocks while at Cochrane's Anchorage; they were putting strops on them. I heard them call them gun-tackle blocks. When the Oreto came into Nassau Harbor some cases came on board, which were called shells. I saw them coming out of the vessel again next day.

John Quinn, fireman, states: There was a passenger on board the vessel [45] named *Lowe. I saw him and another person looking at the galley the day they were fixing on the pieces of copper at Cochrane's Anchorage. A gentleman said to Mr. Lowe that it was a very dangerous place to have the galley in. Mr. Lowe said that he would get it altered. Two or three days after the galley was shifted on the upper deck. Captain Duguid, it will be seen in his evidence, denies that Mr. Lowe had anything to do with the moving of the galley. He explains his reason for moving it, and states that it could not have remained where it had been moved to when the vessel was under way. Mr. Lowe frequently came on board the vessel at Cochrane's Anchorage. I saw the men while at Cochrane's Anchorage working at blocks, stropping and painting them. I do not know what they were for. They were called by the men gun-tackle blocks.

The ship quitted Cochrane's Anchorage, and came into this port. There were some little square boxes, which they said were shot or shell, taken on board after we came in. I think they were taken out next day.

Neither this nor the two preceding witnesses knew that the blocks they were speaking about were gun-tackle blocks, but they heard them called so by some of the crew.

Charles Ward, formerly steward of the Oreto, says: Mr. Lowe went in the ship to the Anchorage; he left her there, but came on board several times while we were there. He provisioned the ship. Mr. Harris swears, it will be seen, that Mr. Lowe had nothing to do with provisioning the ship; that he (Mr. Harris) gave orders to Turtle and Miller to send provisions on board. He asked me one day if I would like to join the ship after he got the other crew on board. On one occasion the captain, and the chief engineer, and Mr. Lowe came on board, and had tea, and they had some words. Mr. Lowe told the captain and chief engineer that he wanted to provision them in a different manner. He said, if they would even eat 3 or 4 or 5 pounds of meat a-day, he would send it to satisfy them; and Mr. Lowe told the chief engineer he was no more than a boy in the ship, and had nothing to do with the matter, and he was qualified to do his own duty. The chief engineer said, that if Mr. Lowe wished, he would leave the ship, and go home when Captain Duguid did, and break the contract. Mr. Lowe then went on deck. I afterward heard the captain say it was nothing out of his pocket; he did not care how the ship was provisioned, as he knew she belonged to the southerners, and did not care for northerners or southerners as long as he got his pay out of the ship. This was while she was at Cochrane's Anchorage.

In his cross-examination he says: I quitted the ship at Cochrane's Anchorage. The captain put me in prison, where I remained fourteen days. The magistrate put me in for refusing to do seaman's duty, which I did not sign for. I know a Mr. Jones. We were both in jail together. He came out the day before me. He and I went to live at the Clifton Hotel. I had no money when I quitted the Oreto. On the morning I came out Jones said he would pay my way. I heard the captain, the chief engineer, and Mr. Lowe say the ship was for the southerners. I know, from what I heard Mr. Lowe say, that he provisioned the ship. I heard the captain, the chief engineer, and Mr. Lowe say that she was intended for the southerners. I also heard them say that if she had her guns on board she could compete with anything the northerners had.

I here repeat the observation I before made, that this evidence ought to be received with great caution. What the witness gives in evidence is, the inference he draws from certain conversations which he states he overheard. Now, if we had the very words which were spoken, we might not draw that inference. Knowing the powerful vessels which the Federal States possessed, I can hardly believe that a nautical man would utter such an absurdity as that a small vessel like the Oreto could compete with anything the northerners had; and I think it very improbable that Mr. Lowe would tell the chief engineer that he was no more than a boy on board the ship. Now, from several improbabilities which Charles Ward's evidence contains, from its being positively contradicted by respectable witnesses in some parts, and from the unsatisfactory manner in which the man appeared to me to give his testimony, I attach but little weight to it.

Daniel Harvey, coal trimmer: Mr. Lowe gave me orders to make travelers for boats' masts and stanchions for the dingey and gig-boat. He said they would do very well. Mr. Allan, the chief engineer, gave me a paper with the pattern on it, and said that Mr. Lowe said he would rather have them made of iron than wood. Mr. Lowe asked me if I would like to remain by the vessel for a commission—he did not say how long—it might be two or three years—as greaser and blacksmith. This conversation took place two or three days before he left Nassau.

Thomas Joseph Waters gives the following evidence: I met a gentleman named Lowe once or twice. I heard he had come out in the Oreto. I left this place some time ago in a vessel called the Nassau. Mr. Lowe was a passenger with me in
[46] that vessel. We were bound, I believe, to a confederate *port. I wished to go
to Charleston. I do not know where this vessel was bound to. We were captured off Wilmington by a Federal war-steamer called the Georgia and a gun-boat called the Victoria. After capture of the vessel she was carried to Fort Monroe, and afterward to New York. Mr. Lowe was carried with the vessel. He was brought before the prize court at New York, examined, and set at liberty.

This evidence is merely to show that Mr. Lowe was connected with the Confederate States of America. It appears, however, that the prize court at New York saw no ground for detaining him.

Mr. Stuart, the master and pilot of the Greyhound, says: I also saw many double blocks fitted. Eight might be in use for ships' purposes for luff-tackle blocks, but the residue might be used for side and train tackle, that is, for working at guns. I should say there were more than double or treble the number required for the ordinary use of the vessel.

He then states, having seen some of the boxes of shells which were put on board in the harbor, it appears that the men belonging to the Oreto, who have given evidence on the part of the prosecution had had a quarrel with the captain, and that they had been before the magistrate. This must be taken in consideration in weighing their evidence.

Honorable G. D. Harris. I am a member of the firm of Henry Adderley & Co., of this town, merchants. We do foreign commission business. I know the British steamship Oreto. She arrived in this port consigned to our care. I made application to the receiver general, on behalf of the firm, to know if there was any objection to our shipping arms and other merchandise by that steamer, and requested that he would communicate with the governor, in order that there might not be any possible misunderstanding. The receiver general informed our firm a day or two afterward that he had communicated with the governor, and that there was no reason why we should not ship a cargo or arms or any other merchandise by that vessel, and that he was fully authorized to grant his permission, which he then immediately did. We then made the usual entries, and applied for a civil officer of customs. Before, however, any cargo was transshipped we received a letter from the colonial secretary, informing us that as the build of that vessel had excited some suspicion, the government directed that, if practicable, she should come into the harbor and take in her cargo under the immediate eyes of the authorities, or words to that effect. She was accordingly brought into the harbor and certain cargo was taken on board, I believe under the supervision of an officer of the customs. Some of the cargo consisted of shell. They were certainly not live shell. This cargo that we were putting on board was what we had received special permission to put on board from the receiver general. It was put on board under our direct orders as consignees of the vessel.

The consignees, it appears, changed their minds about the destination of the vessel, and ordered the shell to be taken out, intending that the vessel should go immediately in ballast to Havana. When the cargo was nearly discharged, Mr. Harris met Captain Hickley on board the Oreto. On that occasion he says: I informed Captain Hickley that we had given orders for the discharge of the Oreto's cargo, it being our intention to dispatch her in ballast to Havana, and that the custom-house officer then present was prepared to hand me the clearance after ascertaining that the cargo was entirely discharged. The landing-waiter and searcher were present and heard what I said. Captain Hickley then informed me that he considered he had nothing further to do with it. I came on shore with Captain Hickley after he had ordered his men into their boats. I think the custom-house officer had the clearance in his possession.

I do not know whether he showed it to Captain Hickley. It was afterward given to us. (The clearance was produced.) In accordance with a promise I had given Captain Hickley, I sent a message on board the Greyhound to inform him that the vessel was ready for sea, and to ask if he would like to visit her or send officers to inspect her. He wrote to me that he would do so immediately. I know Captain Hickley went on board, but I was not present. We had some difficulty with the crew. They set up a plea that the vessel, not having touched at Palermo, there had been a deviation of the voyage, and therefore they claimed their discharge. We demurred to this, but afterward agreed to pay them their wages up to date, and give them a bonus of £5 and pay their passage to England, if they would not remain in the ship. This they refused to accept, stating that, from the several visits of the officers of the man-of-war on board the vessel, they considered she was of a suspicious character, and that they would not go in her unless the Governor and Captain Hickley guaranteed their safety. Some accepted the terms that were offered. In consequence of this they were summoned before the police magistrate, and the case was brought under his adjudication. They elected to take their discharge. I was present at [47] *the time they then and there agreed to quit the ship. They then obtained leave to go on board for their clothes. The men were discharged by the magistrate. In consequence of this we got a shipping-master to ship another crew for the Oreto. I think there were fifteen or sixteen new hands then shipped. They received the usual advance. It was our intention to send her immediately to sea. I had arranged with the pilot to take her out the following morning (Sunday;) they, however, missed the tide, the crew not having come on board. The vessel was again seized that day. The crew we shipped then left the Oreto. I have not seen them since, and all the advance that we paid is lost. We had the sole direction and management of the Oreto. I know of no person but Captain Duguid having any control over the Oreto. I have seen a person named John Lowe, who came out passenger in the Oreto. Mr. Lowe, while at Nassau, never exercised any authority over the Oreto. We never received any instructions from him relative to the Oreto. The day the vessel arrived we received a message from the captain requesting us to send meat and other provisions on board. I gave orders to Turtle and Miller to supply the vessel with meat. In placing the cargo on board the Oreto, it was distinctly understood as cargo. I stated to the receiver-general that it was cargo only; that we intended to ship a full load by that vessel. We were fully aware that we could not ship such goods otherwise than as cargo, unless committing a breach of the foreign enlistment act; and had we been ordered to do so we should have handed the consignment over to some one else. No act was done by the authority of Henry Adderley & Co. with the intent that the vessel should be employed as a cruiser. I told captain Duguid very shortly after he arrived here, that they were talking a good deal about the build of his vessel, and I said, "Mind, do nothing that will have the appearance of equipping."

On cross-examination, he says the vessel was consigned to us by Messrs. Fraser, Trenholm & Co., of Liverpool. She was consigned as a merchant-vessel, and we considered her as such. No instruction in the first instance was given to us except the general instructions of shipping cargoes by all their vessels to Messrs. W. & R. Whight, Saint John's, New Brunswick, on account and risk of J. R. Armstrong, of Liverpool. Mr. John Lowe, I think, brought a letter of introduction from Mr. Trenholm to the firm. I do not know whether Mr. Lowe was in any way interested in the Oreto. I do not recollect Mr. Lowe being mentioned in any correspondence which we received from Fraser, Trenholm & Co. We never had any transactions with Mr. Lowe in regard to the Oreto. She remained here several weeks before any attempt was made to ship cargo in her. We thought we should receive some instructions from our friends about her, but we did not. The shipping of the cargo on board the Oreto was performed by us under our general instructions. I am not prepared to say whether the vessel was actually going to Saint John's, New Brunswick. There ought to have been a searcher of the customs on board at the time of the loading and unloading. I am not aware that there was. In this case I particularly requested that one might be put on board.

It will be seen that Mr. Harris distinctly negatives the idea that Mr. Lowe had any control over the Oreto while in Nassau, or that the consignees had any transactions with him in regard to her.

Frederick T. Parke says: I am a master mariner. I have commanded steamships, and now command the Minho. I have seen the Oreto. I have not been on board of her. I know her size. I think four or five dozen spare watch and luff-tackle blocks sufficient for a vessel of the Oreto's size. A new vessel in fitting out generally takes more extra blocks than a vessel that has been a voyage.

On cross-examination, he says luff-tackle are used for cargo, for taking in boats, and for other purposes. Watch-tackle blocks are used in a variety of ways. Blocks are called luff-tackle, watch-tackle, or gun-tackle blocks, according to the purposes to which they are to be applied. They can be applied in various ways.

William Raisbeck says: I am a master mariner. I have never before commanded a steamship. I am now in command of a steamship. I command the Leopard. I have seen the Oreto. A vessel of her class ought to have thirty or forty blocks, including the luff and watch-tackle blocks—not less. I consider that would be a reasonable supply for a vessel of that kind.

Thomas Joseph Waters says: I have been a master mariner for five years. I have always commanded steamships. I have seen the ship Oreto. She is a first-class ship, and they would never send a vessel of that class from London with less than four or five dozen blocks.

Richard Eustice says: I am a master mariner. I commanded the steamship Scotia. I have commanded steamships for six years. I know the Oreto by seeing her. I am thoroughly acquainted with what is necessary for the fitting of a steamship. *I [48] think at least fifty or sixty spare blocks would be a fair quantity for a new vessel like the Oreto. I mean watch-tackle and luff-tackle blocks. A steamer that is sailed must necessarily have more blocks than one that is entirely propelled by steam. I could muster up thirty or forty luff-tackle and watch-tackle blocks on board of the Scotia. The Scotia is not more than half the size of the Oreto. The Oreto is rigged as a sailing vessel.

Captain Parke then thinks the Oreto should have four or five dozen spare watch and luff-tackle blocks; Captain Raisbeck thinks she should have thirty or forty blocks, including luff and watch-tackle blocks; Captain Waters thinks she should not have less than four or five dozen blocks; and Captain Eustice thinks she should have at least fifty or sixty spare blocks.

The evidence we have of the number of blocks on board the Oreto is that of Walter Irving, a fireman, who says: "As far as I can say, there were twenty or more," and that of Mr. Stuart, the master of the Greyhound, who says there were more than twenty-four tackle.

James Alexander Duguid: I am master of the Oreto. On the day of our sailing, (that is, from Liverpool,) there were a few friends of the owners dining on board the vessel. There were no toasts on that occasion drunk. The only one that was drunk that I am aware of, was the one I proposed myself, which was, "Success to the vessel and her owners." I never heard any one propose a toast on board the Oreto, "Success to the Oreto! may she be triumphant over her enemies." I am certain such a toast was never proposed. I heard a man, Ward, give his evidence, in which he swore to that toast having been given, which is false. No such toast was ever given. The owner of the Oreto, I believe, is named Mr. Thomas. I took my instructions from Fosset, Preston & Co., the agents. I was lying in the Mersey from the 4th to nearly the end of March. During that time the crew were employed doing the ordinary work of the ship. I gave orders with regard to the blocks on board the vessel. It is usual in the merchant service for the chief officer, when he cannot find employment for the men himself, to ask the mate what he wishes to have done. I told him rather than let them be idle, to let them fit all the spare blocks, which he did. This was while we were lying in the Mersey. I never gave any orders to fit blocks as gun-tackle blocks. I never ordered blocks to be fitted, intended to be used as gun-tackle blocks. I quitted the Mersey about the end of March, the destination of the vessel having been changed twice in the mean time, and when I quitted the Mersey I was bound to Nassau. A Mr. Lowe came out with me to Nassau; he came out as a passenger. He never, to my knowledge, exercised or claimed to exercise any authority over the Oreto; I only recognized him on board the vessel as a passenger.

There was not to my knowledge a confederate flag on board the Oreto; she is a new vessel. With the ordinary stores of the vessel a parcel of flags came on board of her; they were all tied up in thick brown paper, and all labeled outside. Previous to my quitting Liverpool, I overhauled the parcel of flags, and in so doing I saw a parcel marked "Confederate," which I sent on shore without opening. My object in doing so was, as the vessel was bound to Nassau, if we fell in with an American cruiser, they might think themselves justified in seizing or detaining the vessel. I swear that there was no confederate flag on board the Oreto when she passed Point Lynas, where the pilot landed. I have heard Ward, and another of the men examined, swear that there was a confederate flag on board the vessel, which was false.

I remember speaking a vessel on the voyage out. I did not on that occasion say, "If we had our bull-dogs on board I would make you answer quick enough;" I never thought of such a thing. I heard Ward say that I had made use of that expression, which he has sworn falsely to.

I arrived here at the latter end of April; I went to Cochrane's Anchorage. I communicated with H. Adderley & Co., as the agents of the vessel representing my owners in England. I had no instructions when leaving England who the agents of the vessel were, but on my arrival here I understood they were. Mr. Lowe had a letter, and told me that Messrs H. Adderley & Co. were the agents of the vessel, and they would enter the ship. I remained at Cochrane's Anchorage seven weeks; we were waiting orders from the agents, who were waiting for orders from the owners at home.

During the time the Oreto lay at Cochrane's Anchorage, I do not believe I gave any orders to my men to strop blocks. I saw on two or three occasions men stropping blocks, and I never had a thought that those blocks should be used on board the Oreto as gun-tackle blocks, for the purpose of arming her to cruise against any foreign state. I never heard them called gun-tackle blocks on board the Oreto. I never had the intention that the blocks stropped were to be used as gun-tackle blocks. It is about [49] *six weeks since the Oreto came into the harbor of Nassau. I brought her in by the direction of H. Adderley & Co. Cargo came on board with a boat note requesting me to take on board shell as cargo. I took in upward of 400 boxes. On the second day I received orders to discharge the shell, as the destination of the vessel had been changed, and if we could get them landed in time that day, the vessel would be cleared for the Havana. We discharged them with all possible haste to get them landed in custom-house hours. During the time we were receiving and discharging cargo I saw a custom-house officer on board, I think by the name of Webb; I saw him on board two or three times, but he might have been oftener on board, as I was frequently on shore.

While we were discharging shell we were boarded by Captain Hickley and some officers and men from the Greyhound. Captain Hickley stopped the further discharge of the cargo.

While Captain Hickley was on board Mr. Harris came. I heard Mr. Harris tell Captain Hickley that the vessel was cleared for Havana. After this Captain Hickley quitted the ship, and told me as she was cleared for the Havana I could sail when I pleased.

The shell was taken on board by the direction of the agents. I never thought that it was intended for the vessel, neither did I know that it was.

I was boarded again by the same officers and men from the Greyhound four or five days after the first occasion. The vessel was then searched. Previous to her sailing the officers and men belonging to the Greyhound searched her. They quitted her after having searched her.

We had some men engaged on Saturday to proceed to sea on Sunday morning, but owing to their not coming on board in time, we could not get the vessel unmoored in time for the tide. She was on that day seized by the officers of the Greyhound.

Two mornings following, previous to this seizure, (I mean on Friday and Saturday,) I ordered my crew to get the vessel under way, but they refused, stating that I had deceived them once, and that they would not believe what I told them again. I told them she was cleared for Havana, and bound there as far as I knew. They still continued to refuse to work, and said that they would not believe anything that I told them. In consequence of this I sent warrants on board for them. They all appeared before the magistrate. They said that they would not proceed in the vessel unless they were guaranteed that they would be safe from any American cruisers. They then said that they would take their discharge, and the whole of them took their discharge. (It appears they afterward went on board, got their clothes, and left the vessel.)

Captain Duguid goes on to say: I know a man named Ward; he was my steward; he was sent to prison for a fortnight at my instance. I think the day he came out of prison he made use of very abusive language and threats to me down on the wharf, stating that he would fix me before he had done with me and the vessel too. I know a man named Jones; he shipped on board the Oreto as boatswain. He was disrated when about half of our passage out for incompetency. He quitted the ship at Cochrane's Anchorage, taking the boat with him. I do not know if he is in the country; I have not seen him. I have heard that he is gone away. I am very sorry that Jones is gone away; I would rather have him here. On the oath I have taken I have not myself been privy to Mr. Jones leaving this place, or to making him any recompense of any sort for leaving it, nor do I know of any person connected with the Oreto having done so. During the time the Oreto lay in the Mersey she was passed and repassed by men-of-war. At one time men-of-war were lying within a mile of her. During that time the officers of the navy were passing her every hour of the day. The fittings of the Oreto from the time of her quitting Liverpool up to the present time are the same, with the exception of a little alteration in the boats' davits. Four of them were lengthened 2 feet. That is the only alteration since she left Liverpool. I have not, since the Oreto has been in harbor, attempted to fit her out in any shape that she might cruise or commit any hostilities against any foreign state. The shipping of the blocks at Cochrane's Anchorage was done under the order that I gave when at Liverpool. As I do not remember having given any order than that to strop blocks, I had not intent, nor would I do so, to use the Oreto to commit hostilities against any power or state. Mr. Lowe never gave me any orders to strop blocks, or any other orders connected with the vessel. Mr. Lowe took sights at sea, asking me to allow him to do so, as he wanted practice, but he never navigated the vessel, changed her course, or gave any orders to the crew with my knowledge. I was present when Ward was examined, when he said some conversation took place between Mr. Lowe and myself relative to the vessel being for the South. No such conversation took place at Cochrane's Anchorage or at any other time. Mr. Lowe had nothing to do with the removal of the galley. I had it done for the convenience of the men, as it was too hot for them where it was below.

[50] *On cross-examination, he says: I received my instructions from Messrs. Fosset, Preston & Co. as to the voyage. They were written. (The instructions were produced.) In the conversation referred to in the letter dated 22d March, 1862, I proposed going to Nassau instead of Havana. No instructions were given to me as to the ultimate destination of the vessel after she reached Nassau. (Captain Duguid then gives some evidence as to the fittings of the vessel, but as it does not affect the evidence already given on that point, there is no necessity to repeat it.)

I saw the men employed at Cochrane's Anchorage stropping blocks; I never at Cochrane's Anchorage heard those blocks called "gun-tackle blocks." The first time that I heard the term "gun-tackle blocks" used was in this court. I have not, that I am aware of, any blocks on board the Oreto called gun-tackle blocks. I saw in the log-book of the ship that they had been called gun-tackle blocks; I saw that entry since the ship arrived here. I am not aware whether the entry was made after the vessel arrived here. On the 16th of May there is an entry in the log-book, "Hands employed in scraping the mainmast and stropping the gun-tackle blocks." There is a word struck out in the entry in the log-book of the 9th of June; I am not aware of my having struck it out. I had no knowledge whatever, when the vessel cleared for Havana, that she was ultimately bound to the Confederated States of America. I have no knowledge whether the vessel was to return to Europe or not. I have no knowledge one way or the other. I have no knowledge whatever that she had been sold or agreed to be sold to any persons in the Confederated States. I struck out some parts of the log-book, but I will not undertake to swear that I struck out the word in the entry of the 9th of June, referred to as follows: "Received on board 440 cases of shell, and stowed them in the ——— rooms." After "the" there is a word scratched out between the word "the" and "rooms." I have never stated that the Oreto was intended for a vessel of war.

The galley was moved; the caboose was in the galley—it was in its proper place. That galley was on the mess-deck. It will have to be placed there again before the vessel can go to sea, as it was only shifted for the convenience of the men. When I was preparing to go to sea on the 15th of June, I had not attempted to remove the galley. There was not time—we could have done it after the anchor was up. Where it was originally placed, it was not near the magazine; the mess-deck is over what is called the magazine, and the galley removed as far as possible. If the magazine was filled with powder, I think it would be quite safe if the galley were in its proper place.

The ship while at Cochrane's Anchorage was frequently visited by Mr. Lowe. I do not know when Mr. Lowe left this. I think he left in a vessel called the Gordon or Nassau. I have not seen him since.

The question now to be decided is, whether, upon a careful consideration of the evidence, there appears proof or circumstantial evidence amounting to reasonable proof, that a violation of the provisions of the foreign enlistment act has been committed by the parties having charge of the Oreto. First, by attempting, by any act done since she came into this colony, to fit or equip the Oreto as a vessel of war. Secondly, by making such attempt for the purpose of fitting and equipping her as a vessel of war for the service of the Confederated States of America, to cruise and commit hostilities against the citizens of the United States of America. I have already said that what took place before the vessel came here can only be received as elucidatory or explanatory of what has occurred since that time. Two facts have been proved, both of which, it has been contended, are violations of the act. One is that, while the vessel lay at Cochrane's Anchorage, some blocks were stropped in such a manner that they might be used as gun-tackle blocks, and that they were so called in an entry in the ship's log-book, and by some of the crew. The other, that a number of boxes containing shells were put in the ship after she came into this harbor, and were taken out again.

I first notice the evidence relating to the shells.

A permission from the governor, in council, to ship cargo in the Oreto has been given in evidence; this does not prohibit any particular kind of cargo. Shells might, therefore, be shipped under it, as well as any other kind of cargo. It appears by the evidence of Mr. Harris, one of the consignees of the vessel, that everything relating to the shipment of the shells was done openly and bona fide. It was observed by the advocate general that penal statutes need not now be construed so strictly as they formerly were. Supposing that to be the case, there is no doubt that it is necessary to act on them with great caution. Now, what is the proof that these shells were intended for the arming of the vessel? Why is it not as probable that they were intended to be carried, as many similar cargoes have been, and landed at some other port? Mr. Harris, who shipped them, swears they were intended as cargo. Captain Duguid does the same, and so does Mr. Duggan, the chief mate. What proof is there, either direct [51] or circumstantial, that *these gentlemen have sworn to what is false? It will be remembered that these shells were taken out of the Oreto and landed before the vessel was seized. The original intention, therefore, with regard to the shells, whatever it may have been, had been abandoned before the seizure was made. Is, then, the mere probability that such original intention was to arm and equip the vessel for war purposes, sufficient for imputing the crime of perjury to Mr. Harris, to Captain Duguid, and to Mr. Duggan, and for the condemnation of the vessel for a violation of the foreign enlisment act? I certainly think not.

The stropping of the blocks now alone remains to be considered.

While the vessel lay at Cochrane's Anchorage, strops were put on some blocks, which had been brought in her from England. The blocks so stropped might be used as gun-tackle block, but blocks so stropped may also be used for the ordinary purposes of a merchant-ship. What proof is there, then, that they were to be used as gun-tackle? 1st. It is contended, because they were named gun-tackle blocks in an entry in the ship's log-book, and were so called by some of the crew. 2d. Because there were more of them than could be required for the ordinary use of the ship as luff-tackle or watch-tackle; and then it is argued, if the blocks were intended as gun-tackle blocks, the Oreto having been constructed as a war-vessel, it is to be inferred that they were intended for her equipment.

The other side, in reply, contend, 1st, that as the tackle might be used for either of the purposes before mentioned, the mere circumstance of the mate, in his entry in the log-book, or some of the crew, not knowing for what they were really intended, choosing to call them gun-tackle blocks, is no proof whatever that the owners of the vessel intended to use them as such. 2d. That the evidence of Captains Parke, Raisbeck, Waters, and Eustice, all master mariners, and men of much experience, has proved that the number of blocks on board the Oreto is not at all greater than would be required for the ordinary purposes of the ship, especially as she is a new vessel, on board of which a greater number of spare blocks is usually provided than is to be found in vessels that have been in use. That Captain Duguid unequivocally states in his evidence that the blocks were solely for the ordinary use of the vessel, and were never intended to be used as gun-tackle blocks. That he never ordered them to be stropped as such, or heard them called so until he heard the evidence given in this court.

Comparing, then, the evidence on the one side with that on the other, I agree in the opinion that the mere fact of blocks which might be used for other purposes being called gun-tackle blocks by persons who did not know for what purpose they were intended, is not proof that they were intended to be used as gun-tackle blocks. I think that as the fact of there being more blocks on board the Oreto than were required for her use is a matter of professional opinion, and as the opinion of several master mariners, quite competent to form a correct one, has been given in evidence, that there were not more blocks on board the vessel than might be required for ordinary use, I ought not, in the absence of any valid and producible reason for so doing, to adopt the opinion of one party in preference to that of the other. The consequence of which is, that the fact of there being more blocks than could be required for the ordinary use of the vessel is not sufficiently proved.

Lastly, I see no evidence to invalidate the direct and positive testimony of Captain Duguid, that the blocks were not intended to be used as gun-tackle blocks.

If there is not enough proof that the blocks in question were intended to be used as gun-tackle blocks, any observation as to the probability arising from the construction of the ship, that they were for her equipment, becomes unnecessary.

If the evidence given to prove that any act has been done here subjecting the vessel to the penalties of the foreign enlistment act is not sufficient for that purpose, it is, perhaps, superfluous to say anything about the capacity of the vessel to take cargo, or her connection with the Southern States of America. I will, however, observe, that although the ship may not be calculated to carry the ordinary bulky cargo of merchant-ships, yet there are certain kinds of cargo of which she might carry a considerable quantity. For example, there were some hundreds of boxes of shells put on board of her, and these were stowed in a compartment called the shell-room. There yet remained what is called the magazine, the light-rooms, and other places, besides the cabin. Into these a very large number of muskets, sabers, pistols, and other warlike instruments and ammunition might be stowed. And it is not improbable that a fast vessel of this description might be used for what is called "running the blockade," an employment which, however improper in itself, would not subject the vessel to forfeiture here.

I think, too, that the evidence connecting the Oreto with the Confederated States of America as a vessel to be used in their service, to cruise against the United [52] States of *America, is but slight. It rests entirely on her connection with a gentleman named Lowe, who came out passenger in her, and some evidence has been given from which it may be inferred that this Mr. Lowe is connected in some way with the Southern States. He is said by some of the crew to have exercised some control over the Oreto. This is denied on oath by Mr. Harris and Captain Duguid. But assuming it to be true, and assuming also that Mr. Lowe is connected with the Confederated States, no one can state that Mr. Lowe, or his employers, if he have any, may not have engaged the Oreto for the purpose of carrying munitions of war, which we have seen she is well capable of doing, and this would not have been an infringement of the act under which she is libeled. But the evidence connecting the Oreto with the

Confederated States rests almost entirely on the evidence of the steward, Ward, whose testimony I have already explained my reasons for receiving with much doubt.

Under all the circumstances of the case I do not feel that I should be justified in condemning the Oreto. She will, therefore, be restored.

With respect to costs, although I am of opinion that there is not sufficient evidence of illegal conduct to condemn the vessel, yet I think all the circumstances of the case taken together seem sufficient to justify strong suspicion that an attempt was being made to infringe that neutrality so wisely determined upon by Her Majesty's government. It is the duty of the officers of Her Majesty's navy to prevent, as far as may be in ther power, any such infringement of the neutrality. I think that Captain Hickley had *prima facie* grounds for seizing the Oreto; and I therefore decree that each party pay his own costs.

No. 37.

Acting Governor Strahan to the Earl of Kimberley.

GOVERNMENT HOUSE,
Nassau, September 5, 1871.

General report of proceedings at Nassau.

MY LORD: In compliance with the instructions contained in your lordship's circular dispatch of the 24th of July last, I have the honor to forward a report by the attorney general of the colony of the proceedings of the steamship Oreto, afterward known as the Florida, on her arrival here, first toward the end of April, 1862, and again on the 26th of January, 1863.

This report is accompanied by a list of witnesses examined in the vice-admiralty court of the colony in the case of the Oreto; by an affidavit of the present acting receiver general, in reference to the original report of the arrival of the Oreto at Nassau, and of her final clearance and departure therefrom; by an authenticated copy of the permission which the commander of the Florida received from the local government to anchor his vessel in the harbor, for the purpose of obtaining coal; by an affidavit of Mr. Yorick Webb, an officer of the customs department, in relation to the arrival of the Florida; by a certified copy of decree by the judge of the vice-admiralty court of the Bahamas in the case of the Oreto; by certified copies of the proceedings in the case; by two local newspapers, one of March 15, 1862, containing the proclamation of Governor Bayley, of the 11th of March, 1862, the other of the 28th of January, 1863, in which are reported the arrival and sailing of the Florida.

To the document marked C is attached a certificate under the great seal of the colony that Mr. Dumaresq, by whom the document is certified, is now acting colonial secretary, and to the affidavits is attached a similar certificate that Mr. Doyle, before whom they were made, is chief justice of the colony.

After the very clear report of the attorney general I do not feel myself called upon to make any remarks on the case.

I have, &c.,
(Signed) GEO. C. STRAHAN, *Administrator*.

[Inclosure 1 in No. 37.]

Report of the attorney general.

The Oreto arrived off the port of Nassau toward the end of April, 1862, and was conducted into Cochrane's Anchorage, some miles to the eastward of the port of Nassau where she remained at anchor until the early part of June following.

She was reported as having arrived from Liverpool in ballast, and was alleged, and she so appeared from her papers, to be a British merchant-vessel. It was

[53] rumored, *however, that her build and fittings were such as to render her easily capable of being converted into a vessel of war; but as there was no evidence of any overt act of equipment having taken place since her arrival in Bahama waters, no action was taken by the governor or the naval authorities at Nassau in respect of her; but she was kept under surveillance by Commander McKillop, of the Bull Dog, the then senior naval officer on this station. This state of circumstances existed until the early part of June, when application was made to the receiver general and treasurer by Messrs. H. Adderley & Co., the consignees of the vessel, to be allowed to load her for an outward voyage to Saint John's, New Brunswick.

It may be here remarked that during the existence of the blockade of the southern ports of America, vessels leaving the port of Nassau, with the intention of endeavoring to run their cargoes into the blockaded ports, almost invariably cleared for Saint John's, New Brunswick; and many of them took in their outward cargoes at the anchorages adjacent to the harbor of Nassau. There was, therefore, nothing peculiar in the application to load in this case; but from the suspicious circumstances connected with the build and fittings of the Oreto, the receiver-general, before granting the usual permission to load, referred the question to the governor, and the subject was considered in council on the 4th of June, 1862, when the following order was adopted:

"JUNE 4, 1862.

"At an executive council his excellency the governor, with the advice of the board, was pleased to make the following order:

"1. That the Oreto, if practicable, should take in her cargo within the port of Nassau.

"2. That if, however, it be found impracticable, from the depth of water in port or otherwise, that she cannot conveniently take in her cargo within the port, then that she be permitted to do so at Cochrane's Anchorage, under the direct supervision of officers of the revenue department, to be specially appointed for the purpose.

"3. That in consequence of the suspicions which have arisen respecting the character of the Oreto, it is advisable that a British vessel of war should remain at Cochrane's Anchorage, in the immediate vicinity of the Oreto while she is taking in cargo, and to prevent such vessel being detained at the anchorage an inconveniently long time there be imposed as a condition, for the permission for the Oreto to load without the port, that she complete her lading at Cochrane's Anchorage within a period to be designated by the chief officer of the revenue department.

"His excellency was further pleased to direct that a copy of the foregoing order be furnished to the receiver general and treasurer, and the commander of Her Majesty's ship Bull Dog, respectively, for their information and guidance."

A copy of this order was forwarded to the naval commander in the following letter:

"COLONIAL SECRETARY'S OFFICE,
"*Nassau, June* 5, 1862.

"SIR: I have the honor to inclose, for your information and guidance, a copy of an order made by his excellency the governor yesterday, with the advice of the executive council, in the case of the steamer Oreto, now at Cochrane's Anchorage.

"I have, &c.,
(Signed) "C. R. NESBITT, *Colonial Secretary.*

"Commander McKILLOP,
"*Her Majesty's ship Bull Dog, New Providence.*"

The order was also communicated to the consignees of the vessel, who thereupon determined to bring her into the port of Nassau, and she was accordingly removed from Cochrane's Anchorage and brought to the harbor of Nassau, which she entered on the 7th June, and on the 9th the lading of the vessel commenced with cargo, a part of which consisted of arms and ammunition, among which were a number of boxes of shells. For some unexplained reason, however, the consignees changed their purpose, and obtained leave to land the cargo they had put on board, and to clear the vessel out in ballast for Havana.

By this time Commander McKillop, of the Bull Dog, had left the station, and Commander Hickley, of the Greyhound, had succeeded him.

This latter officer visited the Oreto on the 10th, with several of his officers, for the purpose of examining her; and on the 13th he addressed a letter to the governor, forwarding a report from his officers, of which papers the following are copies:

[54] *"GREYHOUND, *Nassau, June* 13, 1862.

"SIR: After my conversation with yourself and the attorney general on the 9th instant, relative to the Oreto taking in warlike stores for the purpose of becoming an armed vessel, and perceiving lighters alongside her both that afternoon and the day following, and taking into consideration her character, as also Commander McKillop's letters on her account, and the previous steps taken, I proceeded on board the Oreto with competent surveying officers to make the following report to you, for the final decision of the law-officers on that report; as the equipment (as I considered it) was a want of respect to, and a violation of, the laws laid down for the guidance of the harbor, which I, as senior naval officer present, thought it my duty to represent at once to your excellency, that you should not be ignorant of what was going on in a place under your government.

"She appeared to be discharging cargo when I boarded her, and that cargo shells; and I was proceeding to go on with the examination when the consignee, Mr. Harris, and a revenue officer told me that she, the Oreto, had been cleared in ballast for the Havana, and would sail shortly, (I understood the next day,) and that due notice had been given at the custom-house. On this I considered interference unnecessary on my part, and came immediately with the consignee to you to report what had taken place, and the determined destination of the Oreto, but with the understanding that, owing to the suspicions already cast on the vessel, I was again to visit her before sailing. This took place on the 10th; and that day, the 11th, and 12th passed and the Oreto did not sail, which again aroused my suspicions that the vessel was not acting in good faith, and that she was still equipping, or making very definite arrangements for so doing.

"On this morning, at 6.30 a. m., I was informed by Mr. Harris that the Oreto was to sail immediately, at 8 a. m., and feeling it a bounden duty to ascertain her character before her leaving, to make my report to your excellency, that by so doing I might have the law-officers' opinion as to the legality of her sailing before she quitted the port.

"I have the honor to inclose my report for your excellency's information, for the opinion of the attorney general and Queen's advocate, that my course may be clear as to my dealing with the Oreto, and whether under the circumstances, as detailed therein, she is entitled to go her ways on the high seas under British colors.

"I have, &c.,
(Signed) "H. D. HICKLEY,
"*Commander and Senior Naval Officer at Nassau.*"

Report of the examination of the British screw-steamer Oreto.

"GREYHOUND, *Nassau, June* 13, 1862.

"SIR: On going on board the Oreto this morning the captain informed me that the crew had refused to get the anchor up until they could be certain as to where the ship was going, as they did not know what might become of them after leaving this port, and that she was a suspicious vessel.

"I then proceeded round her decks to note her fittings, and to ascertain that she had no warlike stores on board for her own equipment, and I have the honor to make the following report, viz:

"That the Oreto is in every respect fitted as a man-of-war, on the principle of dispatch gun-vessels in Her Majesty's service, but that she has no munitions of war on board.

"That she has a crew of fifty men, and is capable of carrying two pivot-guns amidships, and four broadside-guns, both forward and aft, the ports being made to ship and unship, port-bars, breeching, and side-tackle bolts.

"That she has shell-rooms, a magazine, and light-rooms, and handing scuttles for handing powder from the magazine, as fitted in the royal naval service, and shot-boxes for Armstrong shot, or shot similar to them, round the upper-deck. She has five boats, I should say, a 10-oared cutter, and 8-oared cutter, two gigs, and a jolly-boat, and davits for hoisting them up; her accommodation being in no respect different from her similar class in the naval service.

"And on my asking the captain of the Oreto, before my own officers and three of his own, whether she had left Liverpool fitted in all respects as she then was, his [55] *answer was, 'Yes, in all respects, and no alteration or addition had been made whatever.'

"In witness of this report, and ready to testify to its correctness, we, the undersigned, affix our names.

(Signed) "H. D. HICKLEY, *Commander.*
"JNO. GILBY, *Lieutenant.*
"CHAS. CARDALE, *Lieutenant.*
"B. B. STUART, *Master.*
"P. O. M. PRESGRAVE, *Assistant Paymaster*
"E. B. GIDLEY, *Gunner.*
"E. EDWARDS, *Carpenter.*
"WM. ROSKELLY, *Gunner's Mate.*
"JNO. SEWARD, *Seaman Gunner.*

"His Excellency C. BAYLEY, Esq.,
"*Governor Nassau.*"

The circumstances set forth in Captain Hickley's letter, and the accompanying report, were not considered sufficient to authorize the immediate arrest of the Oreto; but subsequently the crew of the Oreto having left her, and made certain statements to Commander Hickley, a further correspondence took place between that officer and the governor, which led to the governor sanctioning the arrest of the vessel, and instructing the advocate general to institute proceedings in the vice-admiralty court to test his liability to condemnation.

See the subjoined letters and indorsations:

"GOVERNMENT HOUSE, *Nassau, June* 17, 1862.

"SIR: I have the honor to acknowledge, and the pleasure of thanking you for, your letter dated the 16th instant, in reply to my letter of the same date.

"I can assure you I am perfectly sensible to the zealous activity which you have exhibited in your attempts to preserve the neutrality of the harbor, in accordance with the law of England, and the avowed policy of Her Majesty's government; and I am quite certain that, in every case where your services may be required to protect either the peace or neutrality of the harbor, I may rely upon your prompt and hearty cooperation.

"I felt it my duty, in my letter of yesterday, to express to you unreservedly my opinion on the case of the Oreto, and the doubts which I entertained respecting the legality and policy of preventing her from leaving the harbor.

"These doubts were much increased by the strong opinion expressed by the law-officer of the Crown, who discharges the conjoint duties of Queen's advocate and attorney general of this colony.

"In deference to the views entertained by that officer and myself, you have, I now understand, removed the officers and crew who were in charge of the Oreto, and thereby given her the option of leaving the harbor.

"But, in the letter which announces this proceeding, you repeat the expression of your own and your officers' conviction that the Oreto is a vessel of war, which 'can be equipped in twenty-four hours for battle;' and, in your brief conversation with me this morning, you stated that, though the Oreto had discharged some of her suspected cargo here, still she was not leaving the port empty. A professional opinion, coming from an officer of your character and rank, cannot fail to have its due weight with me.

"On the one hand, I am unwilling to place any restraint on a vessel which has not as yet been formally proved to have violated the law, or impugned the neutrality of the harbor by any overt act. I am equally unwilling to place any merit on the rights of hospitality usually accorded to vessels of all nations in English harbors. I am most unwilling to strain this law to the prejudice of any vessel seeking that hospitality. But, at the same time, I cannot fail to recognize the great importance of the testimony which may be brought forward by yourself and your crew, nor can I fail to see the grave consequences which might result, if a vessel equipped and fitted as you represent, for the purposes of war, were quietly allowed to take a crew here, and quit the harbor with the intention of fighting on the side of one of the two belligerent states, with each of whom Great Britain is at peace.

"To the doubts which this dilemma creates, I can see only one solution: The equipment of the Oreto; the object of her voyage hither; the intent of her voyage hence; the nature of her crew, and the purpose of their enlistment, are all the fair subjects of judicial investigation. We cannot detain or condemn her on mere suspicion, nor, [56] when *suspicion has been so generally aroused, can we permit her to depart unexamined and unabsolved.

"Under every aspect, therefore, of the case, I think the best course which can be taken in the interests of yourself, the colony, and the government, will be to seize the Oreto, and at once submit the question of her condemnation to the local court of vice-admiralty, and I am glad to see that you abandon the idea of carrying her before the court of any other colony. If, on the evidence you adduce, the court condemn her, you will have the satisfaction of having prevented, certainly an illegal, and probably a disastrous voyage. If the court do not condemn her, you will have the satisfaction of having discharged your duty under circumstances of anxious doubt and difficulty, the solution of which will hereafter smooth the course of others placed in situations equally trying and embarrassing.

"My opinion is, that an appeal to the decision of the local vice-admiralty court is the best expedient which could be embraced by all of the parties interested in the matter. I will give the necessary instructions to the Queen's advocate.

"I have, &c.,
(Signed) "C. J. BAYLEY, *Governor.*

"Captain HICKLEY, R. N.,
"*Her Majesty's ship Greyhound.*"

"GREYHOUND, *Nassau, June* 17, 1862.

"SIR: I have the honor to acknowledge the receipt of your letter of to-day's date, and to inform your excellency that I have seized the Oreto as a vessel evidently preparing and fitted for war purposes, in opposition to the spirit and intention of the foreign enlistment act, and to submit the object of her voyage hither, the intent of her voyage hence, the nature of her crew, and the purpose of their enlistment, to the judicial investigation of the vice-admiralty court of Nassau.

"I have, &c.,
(Signed) "H. D. HICKLEY,
"*Commander and Senior Naval Officer at Nassau.*

"His Excellency C. J. BAYLEY, Esq.,
"*Governor Nassau.*"

This correspondence was forwarded to the attorney general with the following indorsations:

"I leave this matter in the hands of the Queen's advocate.

"C. J. B.

"JUNE 18."

"Forwarded to Queen's advocate with reference to above minute of his excellency the governor.

(Signed) "C. R. NESBITT, *Colonial Secretary.*
"JUNE 18, 1862."

The vessel being so seized on the 20th of June, an affidavit of seizure, as also a supplemental affidavit of the commander and officers of Her Majesty's steamship Rinaldo, were filed, and a recognition was granted on motion of the attorney general citing all parties having interest to appear, and on the 28th a claim was exhibited for the vessel by the master on behalf of Henry Thomas, of Liverpool, the alleged owner, certified copies of which documents, with the exception of the monition, are forwarded herewith.

Subsequently, on the 1st of July, a libel was filed on behalf of the seizer, to which a responsive plea was pleaded on the 21st of that month, and after the examination of a number of witnesses in support as well of the libel as of the responsive plea, the cause came on for hearing before the judge of the vice-admiralty court, Mr. Anderson, the attorney general of this colony and Queen's advocate, arguing the case for the prosecution and Mr. Burnside that for the claimant; and on the 2d of August the judge of the vice-admiralty court, Sir John Lees, delivered his definitive sentence, dismissing the libel and restoring the vessel to the claimant. Certified copies of the libel, responsive plea, and decree are forwarded herewith.

The decree not being appealed against, the vessel was released; and a new master and crew having been shipped, she was, on the 7th of August, cleared out at the Nassau custom-house as a merchant-vessel with cargo, ostensibly bound on a voyage to Saint John's, New Brunswick, and sailed on that or the next day from the port of Nassau.

The goods shipped as cargo consisted of articles which might as well have been intended as stores for the vessel as merchandise for trading, and doubtless were [57] used for *the former purpose, as the vessel very shortly afterward appeared as a war vessel in the service of the so-called Confederate States of America under the name of the Florida.

She left Nassau, however, as before stated, without any munitions of war being on board of her under any designation, whether of cargo or otherwise, and must have received her armament as a cruiser afterward, but where particularly is not known.

The foregoing statement, as far as relates to the proceedings of the Oreto and those taken in relation to her, up to the period of her release from seizure, is sustained by the proof taken in the cause in the vice-admiralty court, in which all the papers hereinbefore embodied were given in evidence.

Those proofs consist of the depositions of twelve witnesses in support of the libel and of six in support of the responsive plea, copies of which can be obtained if required; but as the decree is the judicial decision upon the entire case as made out by such evidence, it is apprehended that the depositions themselves will not be necessary, and are not now forwarded.

None of the witnesses so examined are now in the colony; a list of their names is appended hereto, marked A.

An affidavit of the present acting receiver general and treasurer, marked B, is also appended in reference to the original report of the arrival and final clearance and departure of the Oreto from Nassau.

This concludes the history of the vessel in her connection with the Bahamas as the Oreto. Her next appearance at Nassau was as the Confederate States vessel of war Florida, in which character she entered the harbor of Nassau on the morning of Monday, the 26th of January, 1863, under the command of one Maffit, who had at one time been an officer in the United States Navy, but who then was in the position of a commissioned officer in the Confederated States service.

Commander Maffit reported the vessel to be in distress, and requested permission to anchor in the harbor of Nassau and to obtain coal. This was granted, and the vessel having coaled, left again on the forenoon of the following day, the 27th.

An authenticated copy of the permission which he received from the local government for the purpose is annexed, marked C, as also an affidavit of Mr. Webb, an officer of the customs, in relation thereto, marked D, and a local newspaper containing the proclamation of Governor Bayley of the 11th March, 1862, is forwarded herewith, as also one of the 28th January, 1863, in which the arrival and sailing of the Florida is reported.

(Signed) G. C. ANDERSON,
Attorney General.

ATTORNEY GENERAL'S OFFICE,
Nassau, September 1, 1871.

[Inclosure 2 in No. 37.]

A.

List of witnesses examined in the vice-admiralty court of the Bahamas in the case of the Oreto.

ON THE PART OF THE PROSECUTION.

1. Wynn Feley James Duggan, chief officer of the Oreto.
2. William Portor, seaman of Oreto.
3. Peter Hinson, seaman of Oreto.
4. Charles Ward, steward of Oreto.
5. Walter Irving, fireman of Oreto.
6. John Quinn, fireman of Oreto.
7. Thomas Robinson, fireman of Oreto.
8. Daniel Hamy, coal trimmer of Oreto.
9. Commander Hickley, of Her Majesty's ship Greyhound.
10. Thomas Joseph Waters, a master mariner in the merchant service.
11. Lieutenant Cardale, royal navy.
12. Bay Beaufoy Stuart, master and pilot of Her Majesty's ship Greyhound.

ON THE PART OF THE DEFENSE.

1. G. D. Harris, merchant, in the firm of Adderley & Co.
2. Richard Henry Eustice, master mariner.
3. Fred. T. Parkes, master mariner.
4. William Raisbeck, master mariner.
5. Thos. Joseph Waters, master mariner.
6. James Alexander Duguid, master of the Oreto.

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[58] [Inclosure 3 in No. 37.]

B.

Affidavit of Mr. Robert Butler.

BAHAMA ISLANDS.

I, Robert Butler, of the island of New Providence, esquire, make oath and say as follows:

1. I am acting receiver general and treasurer of the Bahama Islands, and have charge of the revenue department at the port of Nassau.

2. At the request of the attorney general of the colony, I have caused diligent search to be made among the records of the revenue department at Nassau for papers or entries in the books of the department, relating to a certain steamship or vessel called the Oreto, alleged to have arrived at Nassau in the year 1862, and I have found three entries in one of the books of the department relating to the said vessel, under the respective dates of the 28th April, 10th June, and 7th August, 1862, true copies of which I hereto annex, numbered respectively 1, 2, and 3.

3. At the said respective dates, the department was in charge of Fletcher Whitley, esquire, then being receiver general and treasurer of the colony, but who has since died; and I, at the said respective dates, was an officer of the department, holding the office of chief clerk.

4. I remember the fact of the arrival of the Oreto at Nassau; that she remained here some time, and that proceedings were instituted in respect of her in the vice-admiralty court of the colony; but my knowledge thereof is general, and I have no distinct recollection of the circumstances connected with her arrival, stay at, or departure from, Nassau, but I verily believe that the entries so found by me are original entries, and correctly represent the facts they refer to.

(Signed) ROBERT BUTLER.

Sworn to at Nassau this 1st day of September, A. D. 1871, before me,

(Signed) W. H. DOYLE,
Chief Justice, Bahamas.

No. 1.

Inwards.

(No. 48.)

In the British steamer Oreto, Duguid, master, from Liverpool; 178 tons; 12 feet; 52 men—

Ballast.

NASSAU, NEW PROVIDENCE, *April* 28, 1862.

No. 2.

Outwards.

(No. 13.)

In the British steamer Oreto, Duguid, for Havana; 178 tons; 12 feet; 52 men—

Ballast.

NASSAU, NEW PROVIDENCE, *June* 10, 1862.

No. 3.

Outwards.

Manifest of cargo on board British steamer Oreto, A. L. Read, master, for Saint John's, New Brunswick; 178 tons; 12 feet water; 52 men.

4 kegs white lead.
3 barrels oil.
2 puncheons rum.
6 cases ½ and ¼ boxes tobacco.
4 barrels sugar.
4 bags coffee.
28 barrels bread.
8 cheese.
3 kegs butter.
8 bags pepper.
4 boxes candles.

NASSAU, NEW PROVIDENCE, *August* 7, 1862.

(Signed) J. L. READ.

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[59] [Inclosure 4 in No. 37.]

C.

Mr. Nesbitt to Captain Maffit, C. S. N.

NASSAU, *January* 26, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of 26th instant, reporting your arrival in distress, and requesting permission to anchor in the harbor for the purpose of obtaining coal.

In reply, I am to inform you that his excellency grants your request, thereby according to a confederate steamer the same privileges which his excellency formerly granted to Federal steamers.

His excellency has, however, directed me to point out to you the irregularity in delaying to make this request.

I inclose a printed copy of the governor's proclamation of the 11th of March last.

I have, &c.,
(Signed) C. R. NESBITT,
Colonial Secretary.

True copy:
(Signed) JOHN D'A. DUMARESQ,
Acting Colonial Secretary.

COLONIAL SECRETARY'S OFFICE, *Nassau, April* 29, 1871.

BAHAMA ISLANDS.

By his honor Captain George Cumine Strahan, R. A., administrator of the government and commander-in-chief in and over the said islands, chancellor, vice-admiral, and ordinary of the same.

To all to whom these presents shall come, greeting:

Be it known that John D'Auvergne Dumaresq, by whom the annexed said certificate is subscribed, was on the day of the date thereof, and now is, acting colonial secretary for the said Bahama Islands; therefore all due faith and credit are and ought to be had and given to the said annexed certificate.

In testimony whereof I have caused the seal of the said islands to be hereunto affixed at Nassau, New Providence, this 4th day of September, A. D. 1871, and in the 35th year of Her Majesty's reign.

[SEAL.] (Signed) GEO. C. STRAHAN,
Administrator.

By his honor's command,
(Signed) JOHN D'A. DUMARESQ,
Acting Colonial Secretary.

[Inclosure 5 in No. 37.]

D.

Affidavit of Mr. Yorick Webb.

BAHAMA ISLANDS.

I, Yorick Webb, of the island of New Providence, esquire, make oath and say as follows:

1. I now hold the office of second clerk in the receiver general and treasurer's department at Nassau; and in the years 1862 and 1863 I held the office of landing waiter and searcher for the port of Nassau.

2. I remember the steamship Oreto arriving at Nassau in the year 1862, and her subsequent seizure for alleged violation of the foreign-enlistment act; but I have no knowledge of her departure from Nassau after her release from such seizure, as I was absent from the colony on leave, from the 16th day of June to the 16th day of December, 1862.

3. I remember the arrival at the port of Nassau, in the early part of 1863, of a vessel of war carrying the flag of the then so-styled Confederated States of America. I boarded that vessel as a custom-house officer on her entering the harbor of Nassau, and was met there by the fort adjutant, a Lieutenant Williams, of Her Majesty's Second West India Regiment, who had also boarded the vessel apparently in his official capacity.

4. On boarding the vessel, Lieutenant Williams and myself were conducted to the cabin, where we were received by the commander, whose name was Maffit, who informed us that the vessel was the Confederate States vessel of war Florida, and [60] that she had been the British steamship Oreto; and he further informed us that he had a register, and other official documents, proving the vessel to be of the character as stated, and a Confederated States register for the vessel was shown me while on board.

5. To the best of my recollection the Florida coaled at Nassau on that occasion, and remained in port for that purpose until the following day, when she left.

6. I have no further knowledge of anything relating to the said vessel.

(Signed) YORICK WEBB.

Sworn to at Nassau, this 1st day of September, A. D. 1871, before me,

(Signed) W. H. DOYLE,
Chief Justice, Bahamas.

BAHAMA ISLANDS.

By his honor Captain George Cumine Strahan, R. N., administrator of the government and commander-in-chief in and over the said islands, chancellor, vice-admiral, and ordinary of the same.

To all to whom these presents shall come, greeting:

Be it known that William Henry Doyle, by whom the annexed certificate is subscribed, was on the day of the date thereof, and now is, chief justice for the said Bahama Islands; therefore all due faith and credit are and ought to be had and given to the said annexed certificate.

In testimony whereof I have caused the seal of the said islands to be hereunto affixed at Nassau, New Providence, this 4th day of September, A. D. 1871, and in the thirty-fifth year of Her Majesty's reign.

[SEAL] (Signed) GEO. C. STRAHAN,
Administrator.

By his honor's command,

(Signed) JOHN D'A. DUMARESQ,
Acting Colonial Secretary.

[Inclosure 6 in No. 37.]

Decree in the case of the British steamship Oreto.

[See inclosure 3 in No. 36.]

[Inclosure 7 in No. 37.]

F.

Pleadings in the case of the Oreto.

In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The British Steamship or Vessel Oreto, (whereof James Alexander Duguid is, or lately was master,) her tackle, &c.

I, Joshua Anderson Brook, registrar of the vice-admiralty court of the Bahamas, do hereby certify that the annexed contains a true copy of the affidavit of seizure, affidavit of Commander Hewett and officers of Her Majesty's ship Rinaldo, claim, libel, and responsive pleas in the above cause, as remains of record in the registry of this honorable court.

Given at the city of Nassau, in the island of New Providence, under the seal of the said court, this 30th day of August, A. D. 1871, and of our reign the thirty-fifth.

(Signed) J. A. BROOK,
Registrar.

In the vice-admirality court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The Steamship or Vessel called the Oreto, (whereof James Alexander Duguid is, or was master,) her tackle, apparel, and furniture, seized by Henry Dennis Hickley, esquire, commander in Her Majesty's royal navy, and commanding Her Majesty's ship Greyhound.

Appeared personally the said Henry Dennis Hickley, and made oath:

1. That the deponent is stationed in Her Majesty's steamship Greyhound, at Nassau, of which station he took charge on the 9th day of June instant, in succession to commander McKillop, of Her Majesty's ship Bulldog.

61] *2d. That previously to the deponent taking charge of the station as aforesaid, a steamship called the Oreto, sailing under a British register, arrived, as the deponent has been informed and believes, at Nassau, and was conveyed to and anchored at Cochrane's Anchorage to the eastward of the island of New Providence.

3d. That such vessel was subsequently removed from Cochrane's Anchorage by the orders of Commander McKillop, and brought into the harbor of Nassau; the cause of such removal being, that Commander McKillop had on inspection of her found her to be fitted for war purposes in a manner totally at variance with the character of a merchant-vessel, leading to the conclusion that she was to be employed in contravention of law for belligerent purposes.

4th. That the restraint so placed on the said vessel by Commander McKillop was however removed, when the Bulldog was about to leave the station, but Commander KcKillop at the same time officially notified to the deponent his view of the suspicious character of the vessel.

5th. That on the afternoon of the 10th instant the deponent, accompanied by several officers and men of the Greyhound, proceeded on board of the Oreto, then lying in the harbor of Nassau, for the purpose of examining her fittings, and equipments, and of ascertaining whether she had any munitions of war on board. That on reaching her he found the master, the said James Alexander Duguid, with one of the consignees of vessel, and other parties on board, and the vessel fully manned. That the parties on board appeared at the time the deponent so boarded the Oreto as aforesaid, to be in the act of discharging cargo, among which the deponent saw one or more cases which he believes contained shells. That the deponent was proceeding to search the vessel when he was informed by the consignee aforesaid that she had been cleared out in ballast for Havana, and would shortly, the next day as the deponent understood, proceed on a voyage to that port, which statement having been corroborated by the revenue officer, the deponent withdrew from the vessel, with the understanding that he would again visit and inspect her before she left port.

6th. That, on the morning of the 30th instant, the deponent received notice from the before referred to consignee, that the Oreto would sail in the course of an hour or so; in consequence of which the deponent, with several of his officers and men, again went on board of her and made a careful inspection; when he found her to be in every respect fitted as a vessel of war, on the principle of the dispatch gun-vessels in Her Majesty's naval service; that she had a crew of fifty men and was capable of carrying two pivot-guns amidships, and four broadside, both forward and aft, her ports being made to ship and unship, with port-bars, breeching and side tackle-bolts, &c. That she had shell-rooms, a magazine, light-rooms, and handing-scuttles for handing powder out of the magazine, all fitted as in the naval service; as also shot-boxes for Armstrong shot, or shot similar thereto, round the upper deck. That she had two cutters, one for ten and the other for eight oars, two gigs and a jolly-boat, with davits fixed for hoisting them up, and that her accommodation was in no respect different from similar class vessels in the British royal navy.

7th. That the Oreto did not however quit the port of Nassau, but continued at her moorings, in the same place in which she was when first visited by the deponent, up to Saturday the 15th, when circumstances having come to the knowledge of the deponent tending to show that the Oreto was originally intended, as her build, fittings, and equipments indicate, to be employed as a vessel of war, and that if she was allowed to quit the port of Nassau, such intention would be carried into effect by her being employed in the service of a foreign belligerent power in contravention of the statute of the imperial parliament, passed in the fifty-ninth year of his late Majesty King George the Third entitled "An act to prevent the enlisting or engagement of His Majesty's subjects in foreign service, and the fitting out or equipping in His Majesty's dominions vessels for warlike purposes without His Majesty's license." He, the deponent, placed an officer's guard on board of her, and ultimately, on the 17th day of June instant, seized and arrested the said ship, for, and on the ground, that the said ship was, with her tackle, apparel, and furniture, liable to forfeiture under the said recited act.

(Signed) H. D. HICKLEY,
Commander Her Majesty's Ship Greyhound.

On the 20th day of June, A. D. 1862, the said Henry Dennis Hickley was duly sworn to the truth of this affidavit, before me,

(Signed) J. A. BROOK,
Surr. J. C., Vice-Admiralty, Bahamas.

[62] *In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The Steamship or Vessel Oreto, whereof, &c., her tackle, &c., seized by Henry Dennis Hickley, esquire, &c.

Appeared personally William Nathan Wright Hewett, esquire, commander in Her Majesty's royal navy, and commanding Her Majesty's steam-sloop Rinaldo; Ralph Lancelot Turton, lieutenant; Edward Crafer Smith, master; John Lyder, chief engineer; Frederick Ward, gunner, and James Somerville, carpenter, of the said steam-sloop Rinaldo, and severally made oath and said that, in obedience to the orders of Commander Hickley, of Her Majesty's ship Greyhound, they, on the 19th instant, repaired on board of the steamship Oreto, and having made an examination of her, found that the fittings now on board of the said vessel are those of a vessel adapted for war purposes.

And the affidavit of Henry Dennis Hickley, esquire, made in this cause, having been read to the deponents, they severally made oath and said, that on their inspection aforesaid they found, as described in the sixth paragraph of such affidavit, that the Oreto's ports were made to ship and unship, with port-bars, breeching and side-tackle bolts, that she had shell-rooms, a magazine, light-rooms, and handing-scuttles for handing powder out of the magazine, all fitted as in the naval service, as also shot-boxes for Armstrong shot, or shot similar thereto, round the upper deck, with the number of boats therein stated.

(Signed) W. N. W. HEWETT, *Commander, R. N.*
RALPH L. TURTON, *Lieutenant.*
EDWARD C. SMITH, *Master.*
JOHN LYDER, *Chief Engineer.*
FREDERICK WARD, *Gunner.*
JAMES SOMERVILLE, *Carpenter.*

On the 20th day of June, A. D. 1862, the said William Nathan Hewett, Ralph Lancelot Turton, Edward Crafer Smith, John Lyder, Frederick Ward, and James Somerville were duly sworn to the truth of this affidavit, before me,

(Signed) J. A. BROOKE,
Surr. J. C., Vice-Admiralty, Bahamas.

In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The Steamship Oreto, her tackle, apparel, and furniture, whereof James Alexander Duguid is master.

The claim of James Alexander Duguid, on behalf of John Henry Thomas, of the town of Liverpool, in the county palatine of Lancaster, in that part of the United Kingdom of Great Britain and Ireland called England, the true, lawful, and sole owner and proprietor of the said steamship or vessel Oreto, her tackle, apparel, and furniture, taken and seized by Henry Dennis Hickley, for the said ship, and for all costs, charges, damages, and expenses as have arisen, or shall, or may arise by reason of the seizure or detention of the said ship.

Dated the 28th day of June, A. D. 1862.

(Signed) BURNSIDE, *Counsel.*

In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The Steamship or Vessel Oreto, her tackle, &c., whereof James Alexander Duguid is the master.

Appeared personally James Alexander Duguid, of No. 40 Wesley street, in the town of Liverpool, in the county palatine of Lancaster, in that part of the United Kingdom of Great Britain and Ireland called England, and made oath:

That he was the master of the said steamship or vessel Oreto, at the time of the seizure thereof by Henry Dennis Hickley, a commander in Her Majesty's royal navy; and that John Henry Thomas, of the town of Liverpool, in the county palatine [63] *of Lancaster aforesaid, was at the time of the said seizure, and still is, the sole owner of the said steamship or vessel.

That on or about the 4th day of March, in the present year of our Lord 1862, this deponent duly cleared the said steamship from the chief office of customs, at the port of Liverpool aforesaid, and on the 22d day of March ensuing the said ship sailed from the said port of Liverpool in ballast for a voyage to the West Indies, under instructions from Messrs. Sanceto, Preston & Co., the agents for the owner of the said steam ship, in the first instance to proceed direct to the port of Havana, in the island of Cuba, there to receive instructions from her Britannic Majesty's consul general at that port; but, after quitting the said port of Liverpool, he (the deponent) was further instructed by the same parties, acting in the same capacity, to proceed to the port of Nassau and there await instructions by the mail, and while at this port to be subject to the orders of Messrs. Henry Adderley & Co., merchants, as to the further prosecution of the voyage to other ports in the West Indies.

That at the time of sailing from the said port of Liverpool the said steamship was in all respects a duly registered British merchant steamship, and the owner thereof had in all respects complied with the provisions of the merchant shipping act, 1854, and the said ship had been duly inspected and admeasured by the proper government officer for that purpose at the said port of Liverpool, and had there been duly registered and a certificate of British registry, as provided by that act, duly granted, and the same is now in the custody of this deponent, a true copy whereof is hereunto annexed.

That at the time of the sailing of the steamship or vessel from the said port of Liverpool she had not then, to the knowledge of this deponent, previously been nor was she then equipped, furnished, fitted out, or armed, with intent or in order that such ship or vessel should be employed in the service of any foreign prince, state, or potentate, or of any foreign power, province, colony, or part of any province or people, or of any person or persons exercising, or assuming to exercise, any powers of government in or over any foreign state, colony, province, or part of any province or people, as a transport or storeship, or with intent to cruise or commit hostilities against any province, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising, or assuming to exercise, the powers of any government in any colony, province, or part of any province, or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom Her Majesty was not then at war; but the said steamship was then, and still is, in all respects, a duly registered British merchant-ship, and engaged in the prosecution of a voyage lawful for British ships to engage in.

That no change whatever has been or was made in the character, nationality, or in the equipment, or furnishing, or fittings of the said ship from the time she quitted the said port of Liverpool until her arrival at this port of Nassau, on the forenoon of Monday, the 28th day of April last past, when the said ship was boarded off the bar of Nassau by a pilot, and by him brought to anchor without the harbor, the pilot alleging that it would be necessary for the ship to go to Cochrane's Anchorage, as there was not room in the harbor for her to swing, and the ship was therefore on the following day taken to the anchorage under charge of the pilot.

That on the said 28th day of April this deponent duly entered the said ship at the office of the receiver general and treasurer, in ballast, and she was then boarded and overhauled as well by the landing-waiter and searcher from the receiver general's office, as by officers from Her Majesty's ship Bulldog and the ship and her papers duly inspected and examined.

That this deponent then consulted with the agents of said vessel, Messrs. Henry Adderley & Co., and the ship continued at Cochrane's Anchorage, awaiting their orders, until the 7th day of June, when, under instructions from them, the said ship was removed from Cochrane's Anchorage and brought to the port of Nassau, for the purpose of receiving cargo to proceed in the prosecution of her voyage.

That during all the time last aforesaid no change whatever had been made in the character of the said ship, nor in her equipment or fittings, nor had she been in any way, since her arrival as aforesaid, equipped, fitted out, furnished, or armed; nor had any attempt or endeavor been made to equip, fit out, furnish, or arm the said ship with intent, as provided against in the seventh section of the act of the imperial Parliament, 59 Geo. III, cap. 69, or otherwise, in any manner howsoever; but the said vessel remained and still was, and is, in all respects, a merchant-vessel, in the prosecution of a voyage lawful for such ships to prosecute; and during all such last-mentioned time, and from time to time, was frquently boarded by officers and men from Her Majesty's ship Bulldog, and subjected to the most minute scrutiny, inspection, and examination by them.

[64] *That on the said 7th day of June instant the said ship came into the harbor, and by direction of the agents, Messrs. Henry Adderley & Co., the deponent prepared to receive cargo on board, permission having been first asked and specially obtained from the office of the receiver general and treasurer for the purpose, and on the 9th day of June the cargo, for the shipment of which special permission had so been obtained, was sent alongside and taken on board, under the superintendence of the landing-waiter and searcher of this port. In the mean time, however, it having been determined by Messrs. Henry Adderley & Co. to send the ship in ballast to the Havana, the said ship was duly cleared in ballast for that port, and on the forenoon of the 10th day of June the cargo, which had been taken in, was then again discharged,

in the presence of the landing-waiter and searcher. Before, however, all the packages had been discharged the ship was boarded by the said Henry Dennis Hickley and a party of officers and men from Her Majesty's ship Greyhound; the said Hickley then ordered this deponent to cease discharging until he had overhauled the ship, which was immediately done; that he, the said Hickley, then directed his officers and men to search the ship, which they did; but in the mean time one of the firm of Henry Adderley & Co., the agents of the said ship, having come on board and stated that the vessel had been duly cleared in ballast for the Havana, and then produced the formal clearance-paper from the receiver general and treasurer, a copy of which is hereto annexed, he, the said Hickley, immediately said, "I have done with the vessel," and then ordered his officers and men into their boats and quitted the ship.

The remainder of the cargo having then been discharged in presence of the landing-waiter and searcher, and the former clearance document by him delivered to this deponent, for the purpose of the vessel leaving the port on the voyage last before-mentioned.

That on Friday, the 13th day of June, the said vessel being then ready to proceed on her voyage to the Havana, the agents informed the said Henry Dennis Hickley of that fact, in order that he might again inspect the ship, if he thought fit; and he, the said Hickley, did accordingly again go on board the said steamship, and, together with one of the officers of Her Majesty's ship Greyhound, again subjected the said vessel to a strict and thorough examination; after which he accorded his full and unreserved permission to this deponent to take the said ship to sea; and this deponent then shortly afterward ordered the crew to unmoor the ship, when, to the surprise of this deponent, they refused to obey the orders given to them, excited, without doubt, and instigated, as this deponent verily believes, to this mutinous conduct by the unwarranted and extraordinary course of proceeding which had been adopted and pursued toward the said ship by Henry Dennis Hickley, a belief in which this deponent is confirmed by the fact that the crew were constantly expressing themselves as anxious to see the captain of the Greyhound; and as they continued in this course of conduct, this deponent on the following day laid a charge against them at the police office in this town, and they were then duly summoned to appear before Edward B. A. Taylor, esq., the police magistrate, at noon, to answer to the charge, and having duly appeared, upon the hearing of the case before the said magistrate, the said crew claimed to be released and discharged from the articles under which they had shipped, upon the ground that the ship had deviated; and inasmuch as they had evinced a mutinous spirit, this deponent decided not to oppose their claim, but to permit them to quit the ship, which they at once, one and all, in the presence of the said magistrate, elected to do; and accordingly, then at once, repaired on board the ship to obtain their clothes and effects, and then took their discharge from her.

That this deponent immediately proceeded to ship another crew, for the purpose of prosecuting the voyage to the Havana, and on the morning of Sunday, the 15th instant, preparations were again made for leaving the harbor, when the said ship was again arrested by officers and men from the Greyhound, acting under instructions from the said Henry Dennis Hickley, and prevented from quitting port, no reason whatever being assigned for such a proceeding.

That this deponent then immediately caused a formal protest to be served upon the officers in charge of the said vessel, a copy of which is hereunto annexed; and on the next day, Monday, addressed a letter to the said Henry Dennis Hickley, a copy of which is also annexed hereto, and to which letter the deponent received a reply from the said Henry Dennis Hickley, a copy of which is also annexed hereto; and on the morning of Tuesday the ship was again released from arrest, and preparations again made by this deponent for taking her to sea.

That about 10.30 in the morning of the aforesaid Tuesday, although the said steamship Oreto had just then previously been released from the arrest and restraint which had been imposed upon her by the said Henry Dennis Hickley, and although no charge whatever had been made in the character of the said ship or in her [65] equipment, furniture, *or fittings, nor had she in any way been furnished or armed with intent, as is provided against in the before-mentioned statute of the reign of His late Majesty King George the Third, she was again boarded by officers and men from the Greyhound, and then again seized and arrested, and this deponent wholly dispossessed of her by them, and the said ship has thence hitherto remained and continued in the possession and under the control of the said Henry Dennis Hickley and the officers and men under his command. And this deponent further made oath that, from the time the said steamship Oreto quitted the port of Liverpool until her final arrest as hereinbefore detailed, there never were any arms, ammunition, or munitions of war on board the said steamship, save and except one pistol, with ammunition therefor, the private property of this deponent, and which he habitually takes with him for personal protection at sea, and which in no particular was intended for belligerent purposes, and save and except such ammunition as may have formed or been part of the cargo which was being placed on board of the said ship under the special license obtained for the purpose from the duly constituted authority at this port, and which was again taken out of her. And this deponent further saith that the action of the said Henry Dennis Hickley and his conduct in arresting the said steamship or vessel on three distinct occasions and discharging her, and ultimately causing her to be proceeded against in this honorable court, has been vexatious and oppressive, tending to the great and serious damage of the owner of the said ship, and subversive of his just right of property therein.

And this deponent lastly saith that the claim hereunto annexed is a true and just claim.

(Signed) J. A. DUGUID.

On the 27th day of this instant, June, the said Alexander Duguid was duly sworn to the truth of this affidavit, before me,

(Signed) J. A. BROOK,
Surr. J. C., Vice-Admiralty, Bahamas.

(No. 9 A. Steamer.)

Certificate of British registry.

Signal letters, T. F. D. N. Official number of ship, 44200.—Port number, 48. Date of registry, March 3, 1862.

Name of ship.	British or foreign built.	Port of registry.	
Oreto..........	British, built at Liverpool, in the county of Lancaster, 4th December, 1861.	Liverpool.......	Screw.

Number of decks..............	Two.	Build	Carvel.
Number of masts...............	Three.	Galleries	None.
Rigged	Schooner.	Head..............................	Shield.
Stern..........................	Elliptic.	Frame-work	Wood.

MEASUREMENT.

	Feet.	Tenths.
Length from the fore part of stem under the bowsprit to the aft side of the stern-post	185	2
Main breadth to outside plank..	28	3
Depth in hold from tonnage-deck to ceiling at midships................	13	7

Name and address of builder, W. C. Miller, Liverpool, aforesaid.

TONNAGE.

	No. of tons.
Tonnage under tonnage-deck	410. 41
Closed-in spaces above the tonnage-deck, if any, viz:	
Space, and spaces between decks..	
Poop..	
Round-house	
Other inclosed spaces, if any, naming them..................................	
Gross tonnage..	410. 41
Reduction required for space for propelling-power as measured............	231. 90
Register tonnage	178. 51

Length of engine-room, 61 feet.
Number of engines, two.
Combined power. Estimated horse-power. Number of horse-power, 200.
Name and address of engine-maker, Fawcett, Preston & Co., Liverpool.

[66] *I, the undersigned, registrar of the port of Liverpool, hereby certify that the ship, the description of which is prefixed to this certificate, has been duly surveyed, and that the above description is true; that James Alexander Duguid, whose

certificate of competency or service is No. 4073, is the master of said ship, and that the name, residence, and description of the owner, and number of sixty-fourth shares held by him, are as follows:

Name, residence, and occupation of the owner.	Number of sixty-fourth shares.
John Henry Thomas, of Liverpool, in the county of Lancaster, merchant.	Sixty-four, (64.)

Dated at Liverpool the 3d day of March, 1862.
(Signed) S. PRICE EDWARDS,
Registrar.

NOTICE.—A certificate of registry granted under the merchant shipping act, 1854, is not a document of title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgages affecting the said ship.

N.B.—Indorsements of changes of owners and masters must be made as directed by the instructions to registrars, and will follow here.

PORT OF NASSAU, *Receiver General's Office.*

These are to certify to all whom it doth concern that the British steamship Oreto, whereof Duguid is master, has been duly cleared at this office for Havana, with a cargo consisting of ballast.

Given under my hand at the aforesaid port this 10th day of June, in the year of our Lord, 1862.
(Signed) F. WHITLEY,
Receiver General and Treasurer.

BAHAMA ISLANDS, *New Providence:*

James Alexander Duguid, the master of the British merchant steamship Oreto, now lying in the port and harbor of Nassau, having duly cleared from the office of the receiver general and treasurer of these island for the port of Havana, in the island of Cuba, appeared before me, Bruce Lockhart Burnside, notary public by lawful authority appointed, duly admitted, and sworn, residing and practicing in the town of Nassau, in the aforesaid island of New Providence, and does hereby solemnly and formally protest against the acts and deeds of the commander of Her Majesty's ship Greyhound, and of all other persons whomsoever, in causing the illegal arrest and detention of the said steamship Oreto, and against all and every trespasses or trespass committed on board of the said steamship Oreto by officers and men belonging to the said ship Greyhound, and against all and all manner of injuries, damages, and detentions caused or to be caused by reason or reasons of the aforesaid illegal arrest and trespass, to the intent that the same may attach to, and be borne by the aforesaid commander of the said ship Greyhound, or such other person as it may by law devolve on.

Done and protested by the aforesaid James Alexander Duguid, before me, this 15th day of June, A. D. 1862.
(Signed) B. L. BURNSIDE,
Notary Public.

Captain Duguid to Commander Hickley.

NASSAU, BAHAMAS, *June* 16, 1862.

SIR: The British merchant steamship Oreto, under my command, being about to proceed on a voyage hence to Havana, and having been duly cleared at the proper office of customs, was yesterday taken charge of by officers and men of Her Majesty's ship under your command, and the ship prevented from quitting this port for the prosecution of the voyage which she was legally entitled to enter upon.

I have therefore now, as the duly authorized master of the Oreto, to reques

[67] that *you will inform me on what grounds the said steamship lying in a British port, and in all things subject to the jurisdiction of the officers of customs, and other civil officers of the Crown at the port, has been seized and arrested by persons acting under your authority; and I have further to request that you will inform me what ulterior proceedings you intend to adopt, so that I may be in a position to take the necessary steps to protect the interests of the said ship now in England.

And I also give you notice that you will be held responsible in damages for all injuries which may result to the owners of the Oreto, in consequence of the illegal acts committed on board of that vessel.

I have, &c.,
(Signed) J. A. DUGUID,
Master of the Oreto.

Commander Hickley to Captain Duguid.

GREYHOUND, NASSAU, NEW PROVIDENCE,
June 16, 1862.

SIR: In answer to your letter of to-day's date, I have to inform you that the Oreto is in every respect so suspicious a vessel that, adding the fact of her late crew, or the greater portion of them, having left her on account of their not being able (although the Oreto cleared for the Havana some days since) to ascertain where she was going, and that they could get no one to satisfy them on this point, and that she was shipping a new crew, as the late boatswain and a portion of the late crew of the Oreto made many public statements to me yesterday on the quarter-deck of Her Majesty's ship Greyhound, to the prejudice of the Oreto, and which might make it necessary to again search her as a vessel cleared in ballast. Their reports on her leaving Liverpool and on the passage here from England, as their reports of the vessel generally, such public statements to me, as a public servant, induced me to detain the Oreto, to report these circumstances to his excellency the governor for the decision of the law-officer, that her character should again be looked into, previous to so suspicious a vessel leaving Nassau, and his excellency's opinion as also that of the law-officer being sent to me to empower my legally allowing the Oreto to go to sea, intimation will be sent to the Oreto as to that fact, or, on the contrary, if the decision be unfavorable, what course will be pursued.

I have, &c.,
(Signed) H. D. HICKLEY,
Commander, Her Majesty's ship Greyhound, and Senior Naval Officer.

In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The steamship or vessel called the Oreto, (whereof James Alexander Duguid is or was master,) the tackle, apparel, and furniture, seized by Henry Dennis Hickley, esq., commander in Her majesty's royal navy, and commanding Her Majesty's ship Greyhound.

On the 1st day of July, in the year of our Lord 1862, before you the worshipful John Campbell Lees, judge and commissary of Her Majesty's vice-admiralty court of the Bahamas, lawfully constituted and appointed the proctor on behalf of our Lady the Queen, as well for our Lady the Queen as for Henry Dennis Hickley, esq., commander in Her Majesty's royal navy, and commanding Her Majesty's ship Greyhound, against the steamship or vessel Oreto, and against the said James Alexander Duguid, the master, intervening and claiming the said ship in special, and against all persons in general, having, or pretending to have, any right, title, or interest therein, doth by way of complaint, and hereby complaining unto you, say, allege, and in law articulately propound as follows, to wit:

1st. That a certain act of Parliament was made and passed in the fifty-ninth year of His late Majesty King George the Third, to wit, on the 3d day of July, which was in the year of our Lord 1819, entitled "An act to prevent the enlisting or engagement of His Majesty's subjects to serve in foreign service, and the fitting out or equipping in His Majesty's dominions vessels for warlike purposes without His Majesty's license;" and this was and is true, and the party proponent doth allege and propound everything in this and subsequent articles of this libel on information contained jointly and severally.

[68] 2d. That between the 1st day of January and the 24th day of March in the present year of our Lord 1862, the British steamship or vessel Oreto, (whereof the said James Alexander Duguid now is or lately was master,) being the ship or

vessel proceeded against in this cause, of the burden of 178 tons, or thereabouts, registered as of, and belonging to, the port of Liverpool, in that part of the United Kingdom of Great Britain and Ireland called England, as being owned by a certain John Henry Thomas, of Liverpool aforesaid, was equipped, furnished, fitted out, and manned at the said port, and on or about the day last mentioned left the said port of Liverpool, commanded by the said James Alexander Duguid, and manned with a crew, including officers, of fifty-two men, or thereabouts, all of whom had been shipped as and for a voyage from Liverpool aforesaid to Palermo, and thence if required to a port or ports in the Mediterranean or the West Indies, and to a final port of discharge in the United Kingdom, there being also on board of the vessel at the time of her departure from Liverpool as aforesaid an agent of the owners or persons interested in the said vessel of the name of John Lowe. That the said vessel did not go to Palermo, but proceeded directly to the port of Nassau, in the island of New Providence, one of the said Bahama Islands, where she arrived on or about the 28th day of April, in the year of our Lord 1862, and was conducted to and brought to anchor in a certain anchorage lying to the eastward of the harbor of Nassau, called and known as Cochrane's Anchorage, where she remained and continued until the 7th day of June in the year aforesaid, on which day she was removed from the said anchorage and brought into the harbor of Nassau, where she now lies. That at the time of the departure of the said steamship Oreto from Liverpool aforesaid, and at the time of her arrival at the port of Nassau aforesaid, she was equipped, furnished, and fitted out in various particulars as a vessel of war; and that after arrival of the said steamship Oreto at Nassau aforesaid, the said James Alexander Duguid and other persons exercising authority over the said steamship Oreto, without the leave and license of Her Majesty for that purpose first had and obtained, attempted to equip, furnish, and fit out the said steamship Oreto with intent that the said steamship Oreto should be employed in the service of certain persons exercising, or assuming to exercise, the powers of government in certain States claiming to be designated and known as the Confederated States of America, to cruise, commit hostilities against the citizens of the United States of America, Her Most Gracious Majesty the Queen being at the time at peace with the said United States; whereupon and wherefore the said steamship Oreto was seized as being liable to forfeiture for a breach of some or one of the provisions of the statute hereinbefore pleaded, and this was and is true, and the party proponent doth allege and propound as before.

3d. That all and singular the premises were and are true, of which legal proof being made, the party proponent prays that the ship or vessel Oreto, her tackle, apparel, and furniture, may be pronounced by you, the said judge, to have been at the time of the seizure thereof subject and liable to forfeiture and condemnation, and to condemn the same as forfeited to our Sovereign Lady the Queen, her heirs and successors accordingly, and to condemn the said James Alexander Duguid in the costs made in this cause on the part and behalf of our Sovereign Lady the Queen by your definitive sentence or final interlocutory decree to be made and given in this behalf.

(Signed) ANDERSON,
Advocate General.

In the vice-admiralty court of the Bahamas.

Our Lady the Queen *vs.* The steamship Oreto, her tackle, &c., whereof James Alexander Duguid was the master.

On Monday, the 21st day of July instant, Bruce Lockhart Burnside, in the name and as the lawful proctor of James Alexander Duguid, at present of the city of Nassau, in the island of New Providence, representing the interests of the owners of the steamship called the Oreto, and under that denomination, and by all better and more effectual ways, means and methods, which may be most beneficial and effectual for his said party, said, alleged, and in law articulately propounded as follows, to wit:

1st. That there was not at the time of the sailing of the said steamship Oreto from the port of Liverpool an agent of the owners or persons interested in the said vessel of the name of John Lowe, as, in the second position or article of the libel given in and admitted in this cause on the part of our Lady the Queen, is falsely alleged and pleaded; on the contrary, the party proponent doth allege and propound that the said John Lowe came on board the said steamship Oreto, at the port of Liverpool, as
[19] a * passenger, and was never recognized by the said James Alexander Duguid
in any other capacity, or as exercising, or claiming to exercise, any power or authority in and over the said steamship; nor did the said Lowe exercise any power or authority, nor did he at any time after the arrival of the said ship at this port of Nassau in any way interfere with the provisioning of the crew of the said ship, nor give orders for the purchase of provision or any other article for the use of the ship, save and except on one occasion, when he, the said James Alexander Duguid, specially requested the said Lowe to purchase a spare spar for the use of the said ship; and this was and is true, public, and notorious, and so much the said other party in this cause doth know, or

hath heard, and in his conscience believes, and hath confessed to be true, and the party proponent doth allege and propound of any other time, place, person, or thing, as shall appear from the proof to be made in this cause, and everything in this and the subsequent articles of this allegation contained jointly and severally.

2d. That, after the arrival of the steamship Oreto at Nassau aforesaid, neither the said James Alexander Duguid, nor any person exercising authority over the said steamship Oreto, without the leave or license of Her Majesty for that purpose first had and obtained, attempted to equip, furnish, and fit out the said steamship Oreto, with intent that the said steamship Oreto should be employed in the service of certain persons exercising, or claiming to exercise, the powers of government in certain States claiming to be designated and known as the Confederated States of America, to cruise and commit hostilities against the citizens of the United States of America, Her Most Gracious Majesty the Queen being at the time at peace with the said United States, as in the second position of the article or libel given in and admitted in this cause, on the part and behalf of our said Lady the Queen, is falsely alleged and pleaded; on the contrary, the party proponent doth allege that the steamship Oreto and her fittings and equipments were, since her arrival and up to the time of her seizure by the said Henry Dennis Hickley, under the sole control and management of him, the said James Alexander Duguid, and none other, and that no act or deed or thing done or committed on board the said steamship after her said arrival, as aforesaid, was with such unlawful intent as would make the said steamship liable to forfeiture for breach of some or one of the provisions of the statute in the first article of the said libel pleaded. And this was and is true, public, and notorious, and the party proponent doth allege and propound as before.

That the said steamship or vessel Oreto was, before she sailed on the voyage from the port of Liverpool to this port of Nassau, lying in the river Mersey, and during all that time vessels of war in the navy of Her Majesty the Queen frequently passed and repassed the said steamship; and the said steamship was at all times, both in dock and in the said river, in a conspicuous and public position, without having been in any manner seized, arrested, or subjected to detention or scrutiny; and the said ship quitted the port of Liverpool aforesaid in the open day, and without any manner of haste or secrecy. And that the said James Alexander Duguid, the master, while the said ship was lying in the Mersey, with all her crew on board, waiting instructions from the owner, directed the then mate to employ the crew during their leisure hours in doing ordinary ship's work, fitting gear, strapping blocks, &c., and during such last-mentioned time, as well as after the said ship sailed on her voyage aforesaid, certain spare blocks which were then on board, and which were intended solely for the use of the ship as part and parcel of her rigging, and not in any way whatever as blocks for gun-tackles, or as the part of the furniture of guns, were strapped by the said crew; and the said blocks were never known or called "gun-tackle blocks" until a certain Edward Jones, a man of infamous and abandoned character, who had been shipped on board in the capacity of boatswain, called them "gun-tackle blocks," and then told certain of the crew of the said ship that the blocks were gun-tackle blocks. And this proponent further propounds that neither the said James Alexander Duguid, nor any person whomsoever having authority over the said steamship during the time she was at this port of Nassau, ever gave any orders or directions to strap blocks as gun-tackle blocks, or to strap any blocks whatever. But any blocks which may have been strapped on board the said ship was done by the seamen of the Oreto in their ordinary avocations, as is always done on board, and not for the purpose of fitting the Oreto as a vessel of war, for the purpose of cruising or committing hostilities; and the said proponent doth further propound that the said Jones, in calling the blocks "gun-tackle blocks," well knew that they were blocks intended simply for the use of the ship; but he having been disrated on board by the said James Alexander Duguid for incapacity and general bad conduct, refused to work, and endeavored likewise to prejudice the crew against the said James Alexander Duguid, and to cause it to be believed throughout the ship that the Oreto [70] was intended as a *cruiser; and this was and is true, and the party proponent doth allege and propound as before.

And the said Bruce Lockhart Burnside lastly alleged that no faith or credit is due or ought to be given to the sayings or depositions of Charles Ward, a witness produced, sworn, and examined in this cause on the libel given in and admitted on the part and behalf of the other party in this cause; for the party proponent doth allege and propound that the said Charles Ward is a man of abandoned character, and is actuated by malicious and vindictive feelings against the said James Alexander Duguid, and has sworn falsely, and is not to be believed on his oath, and who, for the purpose of carrying out an avowed intention of doing an injury to the said James Alexander Duguid, has, of his own malicious intent, in various and many particulars, detailed and sworn to occurrences which he, the said Charles Ward, has fabricated for such malicious purpose; and this was and is true, public, and notorious; and the party proponent doth allege and propound, as before, that all and singular the premises were and are true.

(Signed) BURNSIDE, *Counsel.*

[Inclosure 8 in No. 37.]

Proclamation by Governor Bayley.

BAHAMA ISLANDS.

By his Excellency Charles John Bayley, esq., governor and commander-in-chief in and over the said islands, chancellor, vice-admiral, and ordinary of the same.

A Proclamation.

Whereas his Grace the Duke of Newcastle, Her Majesty's principal secretary of state for the colonies, has transmitted for my guidance the following copy of a dispatch from the Right Honorable Earl Russell, Her Majesty's principal secretary of state for foreign affairs:

"FOREIGN OFFICE, *January* 31, 1862.

"MY LORD DUKE: Her Majesty being fully determined to observe the duties of neutrality during the existing hostilities between the United States and the States calling themselves the Confederate States of America, and being, moreover, resolved to prevent, as far as possible, the use of Her Majesty's harbors, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your grace, for your guidance, the following rules, which are to be treated and enforced as Her Majesty's orders and directions.

"Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom and in the Channel Islands on and after Thursday, the 6th day of February next, and in Her Majesty's territories and possessions beyond the seas six days after the day when the governor or other chief authority of each of such territories or possessions, respectively, shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

"1. During the continuance of the present hostilities between the Government of the United States of North America and the States calling themselves the Confederate States of America, or until Her Majesty shall otherwise order, no ships of war or privateers belonging to either of the belligerents shall be permitted to enter or remain in the port of Nassau, or in any other port, roadstead, or waters of the Bahama Islands, except by special leave of the governor of the Bahama Islands, or in case of stress of weather. If any such vessel should enter any such port, roadstead, or waters, by special leave or under stress of weather, the authorities of the place shall require her to put to sea as soon as possible, without permitting her to take in any supplies beyond what may be necessary for her immediate use.

"If, at the time when this order is first notified in the Bahama Islands, there shall be any such vessel already within any port, roadstead, or waters of those islands, the governor shall give notice to such vessel to depart, and shall require her to put to sea within such time as he shall, under the circumstances, consider proper and reasonable.

[71] If there should then be ships of war or privateers belonging to both the said belligerents *within the territorial jurisdiction of Her Majesty, in or near the said port, roadstead, or waters, the governor shall fix the order of time in which such vessels shall depart. No such vessel of either belligerent shall be permitted to put to sea until after the expiration of at least twenty-four hours from the time when the last preceding vessel of the other belligerent (whether the same shall be a ship of war, or privateer, or merchant-ship) which shall have left the same port, roadstead, or waters adjacent thereto, shall have passed beyond the territorial jurisdiction of Her Majesty.

"2. During the continuation of the present hostilities between the Government of the United States of North America and the States calling themselves the Confederate States of America, all ships of war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's colonies, or foreign possessions, or dependencies, or in any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war, or privateer, or a merchant-ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

"If any ship of war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel Islands, and in the several colonies, and foreign possessions, and dependencies of Her

Majesty respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom or in the Channel Islands, or in any of Her Majesty's colonies, or foreign possessions, or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port, or of the nearest port, (as the case may be,) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been allowed to remain within British waters for the purpose of repair, shall continue in any such port, roadstead, or waters, for a longer period than twenty-four hours after her necessary repairs shall have been completed: Provided, nevertheless, that in all cases in which there shall be any vessels (whether ships of war, privateers, or merchant ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war, a privateer, or a merchant-ship) of the one belligerent, and the subsequent departure therefrom of any ship of war or privateer of the other belligerent; and the times hereby limited for the departure of such ships of war and privateers respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but not further or otherwise.

"4. No ship of war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew; and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall be again supplied to any such ship of war or privateer, in the same or any other port, roadstead, or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid.

"I have, &c.,
(Signed) "RUSSELL.

"His Grace the DUKE OF NEWCASTLE, *&c.*, *&c.*, *&c.*"

Now, therefore, I do hereby issue this my proclamation notifying and publishing the foregoing dispatch for general information and the guidance of all and every persons and person whom it may in anywise concern or affect, to the intent that they may respectively take notice of the same and govern themselves accordingly.

[72] *Given under my hand and the seal of the said Bahama Islands, at Nassau, in the island of New Providence, the eleventh day of March, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-fifth year of Her Majesty's reign.

By his excellency's command,
(Signed) C. R. NESBITT,
Colonial Secretary.

God save the Queen!

[Inclosure 9 in No. 37.]

Extract from the Nassau Guardian of January 28, 1863.

The Confederate States steamer of war Florida, Lieutenant J. N. Maffit commanding, arrived here on Monday last from Havana. Having obtained permission to remain in port twenty-four hours, she sailed again at 11 o'clock yesterday morning.

We understand that the Florida sailed out of Mobile bay on the morning of the 16th instant, and was immediately chased by eleven Federal ships of war and gun-boats, the chase lasting twenty-four hours.

We are also informed the Florida captured, on the 20th instant, the American brig Estelle, bound from Santa Cruz, Cuba, to Boston, with a valuable cargo. The vessel was quite new, and, with her cargo, was valued at $140,000.

On the 22d she captured the American brig Windward, bound from Matanzas to Portland, Maine; and on the same day the brig Corvis Anne, bound from Philadelphia to Matanzas.

No. 38.

Mr. Peel to Mr. Hammond.

TREASURY CHAMBERS,
September 17, 1862. (Received September 18.)

SIR: I am directed by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, with reference to your letter of the 4th instant, copy of a report from the commissioners of customs of the 12th instant, containing further explanations in reference to the ship Oreto, fitted out at Liverpool.

I am, &c.,
(Signed) F. PEEL.

[Inclosure in No. 38.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *September* 12, 1862.

Further report from customs as to proceedings at Liverpool.

Your lordships having referred to us the annexed letter from Mr. Layard, transmitting, by desire of Earl Russell, copy of a memorandum by Her Majesty's advocate-general, stating that the attorney general and he have perused the inclosures in your lordships' letter to Mr. Hammond of the 26th ultimo, and that they are of opinion that, under the circumstances therein stated, it will not be necessary to send a custom-house officer to Nassau to give evidence in the case of the vessel Oreto, which formed the subject of our report to your lordships of the 25th ultimo, and requesting, as it is observed in the memorandum, that the papers inclosed in your lordships' letter are silent as to the various other suspicious circumstances in regard to that vessel, that we may be acquainted therewith, in order that we may report such observations as we may have to offer.

We have accordingly to report that, upon receipt of your lordships' reference, we again communicated with our collector at Liverpool, from which port the vessel cleared out, and that officer has transmitted to us a report from the customs surveyor, who was specially appointed to watch the Oreto while she was being fitted out, from which it appears that there was no attempt on the part of the builders to disguise what was most apparrent, viz: that she was intended for a vessel of war; that she was pierced for eight guns; and her general appearance denoted that she was intended for [73] the navy of some *government; that it was currently reported and stated by her builders that she was intended for the government of the King of Italy; and that she sailed from Liverpool under the command of a Mr. Duguid, who is a resident of that place, for Palermo. The surveyor has further reported that Mr. Duguid has now returned to Liverpool from Nassau, where it is stated that the Oreto has been released, and that he has been informed Mr. Duguid was not aware of the actual destination of the vessel when she left Liverpool; but that, after the ship had proceeded to sea, sealed orders were given to him by the supercargo, by which he was directed to proceed to Nassau, and that these orders were carried out by him.

(Signed) F. GOULBURN.
W. R. GREY.

No. 39.

Mr. Stuart to Earl Russell.

WASHINGTON, *September* 24, 1862. (Received October 10.)

Vessel runs into Mobile, September, 4, 1862.

MY LORD: The steamship Oreto, which has formed the subject of so much correspondence between your lordship and Mr. Adams, appears to have at length succeeded in entering the port of Mobile, having been mistaken for a British man-of-war by the senior naval officer in charge of the blockade of that port.

The inclosed extract from the National Intelligencer contains the explanation given by Commander Preble of his conduct, the report of Admiral Farragut thereupon, and an order from the Secretary of the Navy dismissing Commander Preble from the naval service. This last act is a startling exercise of power on the part of the Executive Government, not having been preceded by any court-martial or formal inquiry, by which Commander Preble might have had an opportunity of justifying his conduct.

I have, &c.,
(Signed) W. STUART.

[Inclosure in No. 39.]

[Extract from the National Intelligencer of September 22, 1862.]

Dismissal of Commander Preble, of the United States naval service.

GENERAL ORDER.

NAVY DEPARTMENT, *September* 20, 1862.

Dismissal of Commander Preble for allowing it.

Commander George Henry Preble, senior officer in command of the blockading force off Mobile, having been guilty of a neglect of duty in permitting the armed steamer Oreto to run the blockade, thereby not only disregarding article 3, section 10, of the articles of war, which requires an officer to "do his utmost to overtake and capture or destroy every vessel which it is his duty to encounter," but omitting the plainest ordinary duty committed to an officer, is, by order of the President, dismissed from the naval service from this date.

The commander of each vessel of war, on the day after the receipt of this published general order, will cause it to be read on the quarter-deck at general muster, together with the accompanying reports, and enter both upon the vessel's log.

(Signed) GIDEON WELLES,
Secretary of the Navy.

FLAG-SHIP HARTFORD,
Pensacola Bay, September 8, 1862.

SIR: I regret to be compelled again to make another mortifying acknowledgment of apparent neglect, viz: the running of the blockade at Mobile by a 10-gun gun-boat, supposed to be Laird's gun-boat, Captain Bullock. You will perceive, however, from Captain Preble's report, herewith inclosed, that there was no want of vigilance. They saw her in good time, but failed to sink or capture her. Why Captain Preble did not fire into her after she failed to stop or answer his hail I cannot imagine. The commander of the Rachel Leaman says, and I believe they all admit, that there never was a finer opportunity for stopping a vessel until she passed them. Then, [74] *however, when it was too late, they commenced firing; the Oneida first, the Winona next, and the Rachel Leaman last. * * *

Very respectfully, &c.,
(Signed) D. G. FARRAGUT,
Rear-Admiral, Commanding West Gulf Blockade.

HON. GIDEON WELLES,
Secretary of the Navy.

UNITED STATES STEAMER ONEIDA, OFF MOBILE,
September 4, 1862.

SIR: I regret to inform you that a three-masted steamer, wearing the English red ensign and pennant, and carrying four quarter boats, and a battery of eight broadside guns, one or two pivots, and having every appliance of an English man-of-war, ran the blockade this afternoon, under the following circumstances:

I had sent the Winona to windward to speak a schooner standing in under sail; the smoke of a steamer was discovered, bearing about southeast, and standing directly for us. Observing she was burning black smoke, I immediately got under way, and stood toward her, signaling the Winona to "chase at discretion." We soon neared the stranger in company with the Winona, who, as we supposed, gradually hauled to the windward.

When abeam of him, about 100 yards distant, I hailed him, but received no answer. I then fired a shot across his bow. He still ranged ahead without stopping; but still thinking him an English man-of-war, I fired two more shots across her bow, and then directed a shot at him, which went over between his fore and mainmast.

He soon hauled down his flag, and waived his guns to bear on us, but having no flag to fight under, was afraid to fire.

We continued firing at him, assisted by the Winona and one of the mortar schooners, but he made sail, and by his superior speed and unparalleled audacity managed to escape. We sent our shot all around and over him, and are certain that several of our shell, and the Winona's, struck him.

With great mortification, yours, &c.,
(Signed) GEO. HENRY PREBLE,
Commander.

Rear-Admiral D. G. FARRAGUT,
Commanding West Gulf Blockading Squadron.

No. 40.

Mr. Elliot to Mr. Layard.

DOWNING STREET, *October* 30, 1862. (Received October 31.)

Report from Governor Bayley. Vessel has left Nassau.

SIR: With reference to your letter of the 2d August, I am directed by the Duke of Newcastle to transmit to you the copy of a dispatch from the governor of the Bahamas, stating that the Oreto had left the harbor of Nassau; but that if she should return under an English flag, she would be detained under the instructions sent out in pursuance of Earl Russell's suggestion.

His grace desires me to observe that the error noticed by Governor Bayley in his grace's dispatch, and which was also contained in the letter from this office to the Foreign Office, of the 31st July, was corrected in the report of the law-officers of the Crown, transmitted to this office in your letter of the 14th August, which was sent to the governor in a dispatch dated the 19th August.

I am, &c.,
(Signed) T. FRED'K ELLIOT.

[Inclosure in No. 40.]

Governor Bayley to the Duke of Newcastle.

GOVERNMENT HOUSE,
Nassau, September 23, 1862.

MY LORD DUKE: In reply to your grace's dispatch of the 8th August, I have the honor to inform your grace that the Oreto, after her liberation by the admiralty court, left this harbor three or four weeks ago, and that she is supposed to have since been finally transferred to the service of the Confederate States.

Vessel converted into the Florida at Mobile

[75] *2. If that is so, she is entirely out of my jurisdiction; and I could no more legally seize her, were she to re-enter the port, than I could seize any man-of-war belonging to the Government of the United States. But if she return under an English flag, I will promptly execute your grace's orders.

Escape from Mobile.

3. Will your grace permit me to correct an accidental error in the phraseology of the despatch now under acknowledgment? I sanctioned the seizure of the Oreto, not "on suspicion of having on board stores intended for the use of the Confederate States," but on suspicion of her having violated the foreign-enlistment act, by arming and equipping herself for belligerent purposes in an English port. I should have had no right to seize her for merely carrying mercantile stores to the Southern States.

I have, &c.,
(Signed) C. J. BAYLEY.

No. 41.

Lord Lyons to Earl Russell.

WASHINGTON, *February* 24, 1863. (Received March 9.)

MY LORD: I have the honor to transmit to your lordship copies of a note, and its inclosure, which I have received from Mr. Seward, relative to a complaint that undue partiality has been shown at Nassau to the confederate steamer Oreto, or Florida. I have also the honor to inclose a copy of a note which I have written to Mr. Seward in reply. I shall send copies of both notes to the governor of the Bahamas Islands.

I have, &c.,
(Signed) LYONS.

[Inclosure 1 in No. 41.]

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE, *Washington, February* 16, 1863.

MY LORD: I inclose extracts from a letter of the 26th ultimo, addressed by the United States consul at Nassau to the Secretary of the Navy, from which it appears that undue partiality has been shown by the authorities there to the insurgent steamer which left England under the name of the Oreto, but now claims that of the Florida.

You will much oblige me by making inquiry in regard to the representations of Mr. Whitingham on this subject.

I avail, &c.,
(Signed) W. H. SEWARD.

[Inclosure 2 in No. 41.]

Mr. Whiting to Mr. Welles.

UNITED STATES CONSULATE,
Nassau, New Providence, January 26, 1863.

SIR: I have the honor to inform you of the arrival at this port this morning of the confederate steamer Florida, late the noted Oreto, Maffit, late of the United States Navy, commander.

This pirate-ship entered this port without any restrictions, with the secession flag at her peak, and the secession war-pennant at the main, and anchored abreast Her Britannic Majesty's steamer Barracouta, Maffit and his officers landing in the garrison-boat, escorted by the Port Adjutant Williams, of the 2d West India regiment.

Arrival of the Florida at Nassau, January 26, 1863. Allowed to coal. Complaint of United States consul.

* * * * * * *

The privateer, soon after anchoring, commenced coaling by permission of the authorities, an evidence of the perfect neutrality which exists here, where the United States ship Dacotah, but a few months since, was only permitted to take on board twenty tons of coal from an American bark off Hog Island, and only then on Captain McHuistry and myself pledging ourselves in writing that within ten days after [76] leaving *this port she would not be cruising within five miles of any island of the Bahamas government.

* * * * * * *

I have, &c.,
(Signed) SAMUEL WHITING,
United States Consul.

[Inclosure 3 in No. 41.]

Lord Lyons to Mr. Seward.

WASHINGTON, *February* 19, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, inclosing a copy of a despatch addressed by the United States consul in the Bahamas

Islands to the Secretary of the Navy, in which certain statements are made concerning the reception of the steamer Oreto or Florida at Nassau. I will, in compliance with your request, make inquiry with regard to those statements, and I will, without loss of time, do myself the honor to communicate the result to you.

I have, &c.,
(Signed) LYONS.

No. 42.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *March* 17, 1863.

SIR: I am directed by Earl Russell to transmit to you, for the information of the Duke of Newcastle, copies of a despatch and its enclosures from Her Majesty's minister at Washington,[1] relative to a complaint which has been made by the United States consul at Nassau, that undue partiality had been shown by the authorities to the confederate steam-vessel Oreto.

I am, &c.,
(Signed) E. HAMMOND.

No. 43.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *March* 26, 1863. (Received March 27.)

SIR: I have laid before the Duke of Newcastle your letter of the 17th instant, respecting a complaint which had been made by the United States consul at Nassau, of undue partiality shown by the authorities there to the confederate steamer Oreto.

I am to request that you will inform Earl Russell that no report of the occurrence referred to by the consul has been received from the governor, and that he will be called upon for his report, should it not arrive before the departure of the next mail.

I am, &c.,
(Signed) FREDERIC ROGERS.

No. 44.

Lord Lyons to Earl Russell.

WASHINGTON, *March* 30, 1863. (Received April 13.)

Complaint of United States' Government of undue partiality at Nassau.

MY LORD: With reference to my dispatch of the 24th ultimo, I have the honor to transmit to your lordship copies of further correspondence relative to the complaint made by Mr. Seward that undue partiality had been shown at Nassau to the confederate ship Oreto or Florida.

I have, &c.,
(Signed) LYONS.

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[1] No. 41.

[77] [*Inclosure 1 in No. 44.]

Lord Lyons to Governor Bayley.

WASHINGTON, *February* 26, 1863.

SIR: I have the honor to transmit to your excellency copies of a note and its inclosures which I have received from the Secretary of State of the United States, and which contains allegations that undue partiality has been shown by the authorities at Nassau to the confederate steamer Oreto or Florida. I have also the honor to transmit to you a copy of the answer which I have made to the note of the Secretary of State.

I shall be much obliged if your excellency will furnish me with any information on the subject which it may appear to you to be proper that I should communicate to this government.

I have sent copies of the three inclosures in the present dispatch to Her Majesty's secretary of state for foreign affairs, and have informed his lordship that I also send copies to your excellency.

I have, &c.,

LYONS.

[Inclosure 2 in No. 44.]

Governor Bayley to Lord Lyons.

GOVERNMENT HOUSE, NASSAU, BAHAMAS,
March 11, 1863.

MY LORD: I have the honor to acknowledge your lordship's dispatch, inclosing a complaint from the United States consul at this port to Mr. Seward, the Secretary of State, respecting undue advantages alleged to have been given to the confederate steamer Florida in this harbor.

In reply, I beg leave to state that no undue advantages were accorded to the Florida. She arrived in our harbor, having steamed over the bar without a pilot early in the morning of the 20th of January. I was not aware of it till 8 or 9 o'clock a. m. About that hour Captain Maffit called (I think in company with the fort adjutant) to explain that he was ignorant of my proclamation requiring that permission should be formally asked before any man-of-war belonging to either of the two belligerents could enter the harbor. I did not see him; but in a very short time I received a letter from him, of which I transmit your lordship a copy, along with the copy of the memorandum indorsed on it by myself before I sent it to the colonial secretary. The Florida remained in harbor about twenty-six hours, during which time I neither spoke to nor saw Captain Maffit.

So far from any advantage having been accorded to the Florida which was not accorded to United States vessels, she did not receive privileges equal to those which I granted to the United States gun-boat Stars and Stripes. That vessel entered the harbor without permission, (which she asked for after she had come in.) Her commander then asked for an extension of the permission, which I also accorded; and she remained in harbor, if I remember rightly, three or four days, for the alleged purpose of undergoing repairs.

I regret that the Secretary of State should have given credence to the misrepresentations of a person of such infirm judgment and excitable temperament as Mr. Whiting has proved himself to be.

I have, &c.,
(Signed) C. J. BAYLEY.

[Inclosure 3 in No. 44.]

Commander Maffit, C. S. N., to Governor Bayley.

CONFEDERATE STATES STEAMER FLORIDA,
January 26, 1863.

SIR: As this vessel is in distress for the want of coal, I very respectfully request permission to anchor in the harbor for the purpose of obtaining the same.

I am, &c.,
(Signed) J. W. MAFFIT.

[78]

[Inclosure 4 in No. 44.]

Memorandum by Governor Bayley.

I grant this request under the circumstances, thereby according to a confederate steamer the same privileges which I have formerly granted to Federal steamers. But the irregularity in delaying to make this request should be pointed out, and the pilot called on to explain how he admitted the Florida without my permission.

(Signed) C. J. B.

[Inclosure 5 in No. 44.]

Lord Lyons to Mr. Seward.

WASHINGTON, *March* 25, 1863.

SIR: With reference to the note which you did me the honor to address to me on the 16th of last month, respecting the reception of the Oreto or Florida at Nassau, and to my answer, dated the 19th of the same month, I beg to transmit to you copies of a dispatch and its inclosures which I received the day before yesterday from the governor of the Bahama Islands.

I have, &c.,
(Signed) LYONS.

[Inclosure 6 in No. 44.]

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 28, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 25th instant, referring to the correspondence which has taken place between us relative to the reception of the Oreto or Florida at Nassau, and transmitting a copy of a dispatch, and its inclosures, recently received by you from the governor of the Bahama Islands on the subject.

I have, &c.,
(Signed) WILLIAM H. SEWARD.

No. 45.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *June* 9, 1863. (Received June 10.)

SIR: With reference to your letter of the 17th of March, I am directed by the secretary of state for the colonies to transmit to you, for the information of Earl Russell, a dispatch from the governor of the Bahamas, dated the 2d ultimo, in answer to the complaint that undue partiality had been shown by him to the Confederate States man-of-war Florida.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 45.]

Governor Bayley to the Duke of Newcastle.

GOVERNMENT HOUSE, NASSAU,
Bahamas, May 2, 1863.

Report from Governor Bayley.

MY LORD DUKE: I have the honor to acknowledge your grace's dispatch of the 7th of April, inclosing a complaint made by the late consul of the United States at this port, to the effect that undue partiality had been shown by the authorities at this place toward the confederate steamer Oreto, (or rather Florida.)

2. In reply, I have the honor to state that I am wholly unaware that any partiality
[79] *was shown to that vessel, or that she was treated in any respect differently from Federal men-of-war. She arrived in our harbor, having steamed over the bar without a pilot early on the morning of the 25th January. I was not aware of it till 8 or 9 o'clock a. m. About that hour Captain Maffit called (I think in company with the fort adjutant,) to explain that he was ignorant of my proclamation requiring that permission should be formally asked before any man-of-war belonging to either of the two belligerents could enter the harbor. I did not see him, but in a very short time I received a letter from him, of which I transmit your grace a copy, along with a copy of the memorandum indorsed on it by myself, before I sent it to the colonial secretary. The Florida remained in harbor about twenty-six hours, during which time I neither spoke to nor saw Captain Maffit.

3. I also inclose a letter from Mr. Williams, the fort adjutant, detailing the circumstances under which he accompanied Captain Maffit on shore.

4. So far from any advantage having been accorded to the Florida which was not accorded to United States vessels, she did not receive privileges equal to those which I granted to the United States gun-boat Stars and Stripes. That vessel entered the harbor without permission, (which she asked for after she had come in.) Her commander then asked for an extension of the permission, which I also accorded, and she remained in the harbor, if I remember rightly, three or four days, for the alleged purpose of undergoing repairs.

5. I have no distinct recollection of the special reasons which induced me to impose the restrictions mentioned by the consul on the Dacotah's coaling; I can only suppose that I did this in consequence of the pertinacity with which Federal vessels about that time resorted to the harbor on pretense of coaling, but really with the object of watching the arrival and departure of English merchant-vessels supposed to be freighted with cargoes for the southern ports. Had not such prohibition been issued, the harbor would have become a mere convenience for Federal men-of-war running in and out to intercept British shipping. And that such conditions as I thought it my duty to impose were tempered by a proper feeling of courtesy and humanity will, I think, be made evident by the accompanying letters from the American consul on the subject of the Federal man-of-war, the R. Cuyler, and the memoranda of my replies indorsed upon them by myself.

6. On the whole I am satisfied that I have acted with perfect impartiality in all my dealings with Federal and confederate men-of-war. But I am not surprised that my conduct should have been misrepresented by so hot-headed a partisan as the late American consul, Mr. Whiting, whose ingenuity in misconstruction is well illustrated by his reply to my letter of the 29th of September, of both of which papers I inclose copies, with the indorsation of the draught of my replies to his last communication.

7. I think that these inclosures will be sufficient to prove that, in my demeanor to the Federal men-of-war, I have generally preserved an attitude of fairness and impartiality. And that if at any time I have appeared to assume an unfriendly or inhospitable mien, the charge can be fully explained and defended by my desire to maintain the security of a British possession and the rights of British subjects.

I have, &c.,
(Signed) C. J. BAYLEY.

[Inclosure 2 in No. 45.]

Captain Maffit, C. S. N., to Governor Bayley.

CONFEDERATE STATES STEAMER FLORIDA,
Nassau, January 26, 1863.

SIR: As this vessel is in distress for the want of coal, I very respectfully request permission to anchor in the harbor for the purpose of obtaining the same.

I am, &c.,
(Signed) J. W. MAFFIT.

[Inclosure 3 in No. 45.]

Mr. Williams to Governor Bayley.

NASSAU, NEW PROVIDENCE, *April* 30, 1863.

SIR: In answer to your letter of yesterday, requesting me to state, for the information of his excellency the governor, whether Captain Maffit, of the Confederate
[80] States steamer *Florida, came ashore in the garrison boat, I beg to observe that, in the middle of last year, I received instructions from his excellency, through

the colonial secretary, that when I boarded any ship of war belonging to either belligerent, I was to hand to the captain of such vessel a copy of the proclamation regarding neutrality, and to point out the clause forbidding belligerent vessels to anchor in the port or roadstead of Nassau without having previously obtained the governor's permission, adding at the same time that, circumstances permitting, his excellency would always be most happy to extend the hospitality of the port to such as might require it.

The first vessel which I had occasion to visit after the receipt of the above instructions was the Federal gun-boat Stars and Stripes. I pointed out to the captain the requirements of the proclamation, but he said that, "owing to certain injuries received by his machinery, and the roughness of the weather, he must anchor at once, or his ship would go on shore." I therefore suggested to him the propriety of coming ashore with me, and proceeding to Government House to explain personally to his excellency the necessities of his position. He landed in the garrison boat, and went with me to the governor.

A short time after this the Confederate States steamer Florida ran into the port at daybreak, and cast anchor before I was able to board her. I gave a copy of the proclamation to Captain Maffit, who stated his entire ignorance of any such restrictions, and expressed his regret for having unwittingly violated the regulations of the port, and also asked me what course he had better follow. I told him that he had better come ashore in my boat, and go with me to the governor, explain matters, and obtain the necessary permission to remain. He therefore, like the captain of the Stars and Stripes, landed in the government boat, and proceeded with me to his excellency the governor.

Trusting that his excellency will consider the above explanation sufficient for the purpose for which he may require it,

I have, &c.,
(Signed) S. W. WILLIAMS,
Lieutenant, Second West India Regiment, Fort Adjutant.

[Inclosure 4 in No. 45.]

Mr. Whiting to Governor Bayley.

UNITED STATES CONSULATE AT NASSAU, NEW PROVIDENCE,
August 25, 1862.

SIR: I have the honor to acknowledge the receipt, on Saturday afternoon, of your excellency's dispatch, graciously granting permission for the United States steamer R. R. Cuyler to anchor and procure the necessaries which she might require.

Captain Winslow has requested me to convey to your excellency his high appreciation of your kindness, and to tender you his sincere thanks for the courtesy, his severe illness alone preventing him from doing so in person.

I am also authorized to say that the usual honors of a salute would have been paid had the size and armament of the vessel permitted it.

It becomes me also, as a representative of the United States Government, to express my thanks to your excellency for this manifestation of friendship; and also to beg that your excellency will convey to the commander and surgeon of Her Britannic Majesty's frigate Melpomene my acknowledgment and thanks for their prompt and kind services to my invalid countrymen.

I have, &c.,
(Signed) SAMUEL WHITING,
United States Consul.

[Inclosure 5 in No. 45.]

Mr. Whiting to Governor Bayley.

UNITED STATES CONSULATE, NASSAU, NEW PROVIDENCE,
August 25, 1862.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of this date, and to assure you that Captain Winslow will be careful to avoid any infringement of Her Majesty's proclamation, should he come to anchor at this port.

[81] Captain Winslow, however, has assured me that he did not wish to anchor, and only needed some medical supplies for himself and officers, many of whom are quite low with fever.

I am not aware that the Cuyler has yet let go an anchor off this port; should she come to anchor, I will communicate your excellency's instructions to her commander.

I have, &c.,
(Signed) SAMUEL WHITING,
United States Consul.

[Inclosure 6 in No. 45.]

Mr. Nesbitt to Mr. Whiting.

COLONIAL SECRETARY'S OFFICE,
Nassau, September 29, 1862.

SIR: You are aware that, by the Queen's proclamation of the 31st January last, any belligerent vessel must obtain the governor's permission before anchoring in this port.

The governor has directed me to call your attention to this formality, and to the propriety of attending to it, before the United States armed vessels drop their anchors here.

I have, &c.,
(Signed) C. R. NESBITT,
Colonial Secretary.

[Inclosure 7 in No. 45.]

Mr. Whiting to Governor Bayley.

UNITED STATES CONSULATE, NASSAU, NEW PROVIDENCE,
September 29, 1862.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of this date, and to inform your excellency that the restrictions imposed upon the national cruisers of the United States of America have long since been communicated to the Government which I have the honor to represent.

I shall also take the earliest opportunity of advising arriving war-vessels of the United States of the prohibition contained in your excellency's late and previous communications.

I have, &c.,
(Signed) SAMUEL WHITING,
United States Consul.

No. 46.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *June* 13, 1863.

Reply to complaints of United States Government.

MY LORD: I have to state to your lordship that I have received from the Colonial Office a copy of a dispatch from the governor of the Bahamas in answer to the complaint to which you drew my attention in your dispatch of the 24th of February, that undue partiality had been shown at Nassau to the confederate steamer Florida.

That answer is to the same effect as the explanation addressed to you by Governor Bayley, of which you sent me a copy in your dispatch of the 30th March. It is, however, accompanied by a letter from Mr. Williams, the fort adjutant, of which, as it entirely supports the statement of the governor that he has preserved an attitude of perfect fairness and impartiality toward both belligerents, I send you herewith a copy.[1]

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[1] Inclosure 3 in No. 45.

Governor Bayley states that he has no distinct recollection of the special reasons which induced him to impose the restrictions mentioned by Consul Whiting on the Dacotah's coaling; but he says it is not improbable that it was in consequence of the pertinacity with which Federal vessels about that time resorted to the harbor of Nassau on pretense of coaling, but really with the object of watching the arrival and departure of English merchant-vessels supposed to be freighted with cargoes for the southern ports.

The governor adds that he is satisfied that he has acted with [82] perfect impartiality in *all his dealings with Federal and confederate men-of-war; that he is not surprised that his conduct should have been misrepresented by so hot-headed a partisan as Mr. Whiting, and that, if at any time he has appeared to assume an unfriendly or inhospitable mien, the charge can be fully explained and defended by his desire to maintain the security of a British possession and the rights of British subjects.

I am, &c.,
(Signed) RUSSELL.

No. 47.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *April* 11, 1865. (Received April 11.)

Charge against Captain Maffit of illegal enlistment.

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, the inclosed copies of two dispatches from the governor of the Bahamas, forwarding copies of correspondence with the United States consul at Nassau, on the subject of charges made by him against Captain Maffit, who formerly commanded the confederate cruiser Florida, of illegally enlisting seamen for that vessel in the port of Nassau.

I am also to inclose, in connection with these dispatches, copy of a further dispatch from Governor Rawson, with copy of a letter from Her Majesty's consul general at Havana, on the subject of the rumor that a privateer was being fitted out at that port.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 47.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, NASSAU, *March* 10, 1865.

Charge against Captain Maffit.

SIR: I have the honor to submit, for your consideration, copies of a correspondence with the United States consul at this port, consequent upon his calling upon me to proceed against Captain Maffit, who formerly commanded the confederate cruiser Florida, for the illegal enlistment of seamen for that vessel in the port of Nassau.

2. The consul's letter was not delivered in time to reach my hands before a late hour of the night of the 23d ultimo, after Captain Maffit had actually left the port. Nevertheless, as it was possible that Captain Maffit might return hither, I lost no time, on the following morning, in instructing the attorney general to communicate with the consul, for the purpose of obtaining the necessary information to enable him to act upon his representation.

3. The attorney general accordingly wrote at once to the consul. His reply, dated the same day, but delivered three days later, contains a declaration, taken by a notary,

of the transshipment of guns and stores on board of the Oreto, *alias* Florida, in 1862, and enters into some other irrelevant matter. It was sent to me by the attorney general with a letter refuting the charge of inertness which the consul brings against him in it.

4. Upon ascertaining that the above document, which contains no evidence of enlistment by Captain Maffit, had never before been brought to the notice of this government, although it is dated 4th September, 1862, I directed the colonial secretary to send him the reply, dated 2d instant, in which I point out that the document does not contain any evidence of enlistment, and that, with regard to the other matters alleged in it, I would take all fitting steps.

5. At the same time, I instructed the attorney general to endeavor to obtain information concerning the several persons and occurrences described in the consul's letter and its inclosure. If his inquiries should yield any tangible proof of a violation of the law by persons within the jurisdiction of the courts of this colony, proceedings shall be taken against them, and I will communicate the results to you.

6. Meanwhile I desire to call your attention to three points in the correspondence of the consul.

7. First. Captain Maffit arrived at Nassau, in the blockade-runner Owl, on the 31st January. The consul must have been immediately aware of his arrival. It is scarcely credible that he had not long known the existence of the document now [83] produced, after the lapse of two years and a half; but he took no action in the matter until Captain Maffit was on the point of leaving the port and it was too late for the government to act upon his representation.

8. The consul alleges, as the reason of the long delay in bringing this charge, that "Captain Maffit has not been here at any other time when the witnesses could be obtained." Captain Maffit was here in the Florida for some days in January, 1863. On the 8th September, 1862, the then consul of the United States called attention to the arming of the Oreto, and was invited to bring forward any credible evidence which he might possess with reference to the transaction. The document now produced is dated the 4th September. It must, then, have been in his possession. He did not bring it forward. I inclose copies of his letter and of the reply to it.

9. That, certainly, was the proper time for presenting this declaration; and the attorney general was justified in making the reply, described in his letter, to the unofficial statement of Mr. Jackson, that the charge was a stale one, and that he would require clear and positive evidence before he could proceed against Captain Maffit. I inclose a memorandum, since received from the attorney general, of his interview with Mr. Jackson. The consul, I conceive, is not justified in accusing the government for not acting upon such statements, still less in commenting upon the acts of the governor in a letter addressed to his subordinate officer.

10. Secondly. The consul, in his letter of the 24th ultimo, and in a former letter, written concerning the steamer Mary, (herewith inclosed, as well as in a former dispatch, relating to that subject,) appears to think it a hardship, and a cause for complaint, that he should be called upon to furnish evidence in support of the charges which he brings forward, or to assist the government in prosecuting the inquiries which he has himself provoked. I cannot suppose that this is in accordance with the instructions or desire of his government; and I should be glad to be instructed whether I should not do right to call upon him for more precise and formal depositions in all or any of such cases.

11. The consul does not appear to perceive the difference between the proceedings which the government can take against a suspected vessel, and the legal formalities by which it is bound in prosecuting a criminal charge against any person connected with it.

12. I would direct your attention to the kind of information upon which he addresses the government, as shown in my dispatch of the 8th ultimo, and in the concluding paragraph of his letter to the attorney general, inclosed in this dispatch.

13. But a still more objectionable proceeding on the part of the consul appears to be that of introducing into his correspondence irrelevant and unfounded accusations against this government. In forwarding the correspondence relative to the improper landing of boats from the United States gun-boat Honduras, (dispatch of 9th ultimo,) I called attention to a charge of this description contained in his letter of the 7th February last, (copy herewith inclosed.) It is repeated in a different form in his letter to the attorney general. I need scarcely enlarge upon the difficulty, on the one hand, of challenging such statements, without provoking an inconvenient and endless correspondence; and, on the other hand, of carrying on a correspondence with a consular officer who writes in this spirit and adopts this tone in his communication with a friendly government. It is this dilemma which alone has induced me to trouble you upon the subject, and to suggest some interference on the part of Her Majesty's government.

14. I have deemed it best not to notice these statements otherwise than by informing the consul, when they were repeated, that I should bring them to your notice. It has occurred to me that, if you view his correspondence in the same light as myself, a representation might be made to his government, suggesting that he should be re-

quired to withdraw the first objectionable letter, in which an accusation is more directly made against this government, or to withdraw or substantiate that part of it which contains the accusation. But I am happy to have the opportunity of leaving the whole subject to your superior judgment.

15. I annex a copy of the letter in which I have communicated to Her Majesty's consul at Havana the extraordinary rumor referred to in the last paragraph of the consul's letter to the attorney general.

I have, &c.,
(Signed) RAWSON W. RAWSON.

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[84] *[Inclosure 2 in No. 47.]

Mr. Kirkpatrick to Governor Rawson.

UNITED STATES CONSULATE,
Nassau, Februarg 23, 1865.

SIR: I have the honor to call your excellency's attention to a violation of the laws of Her Majesty the Queen's dominions by the enlistment of men within this colony by Captain Maffit, now here as captain of the blockade-running ship Owl, having shipped men in this port for the rebel privateer Oreto or Florida.

These enlistments took place after the trial in relation to that vessel was held, and two, at least, of the men thus enlisted are now in this city, and can be pointed out if desired. I understand further, that there are affidavits of theirs now in the possession of Mr. Dillett. The reason of this long delay is that Captain Maffit has not been here at any other time when the witnesses could be obtained. He is understood to be ready to depart from here soon, and I would respectfully suggest that measures should be taken at once to vindicate the laws openly and notoriously violated in this instance.

I have, &c.,
(Signed) THOMAS KIRKPATRICK.

[Inclosure 3 in No. 47.]

The attorney general, Nassau, to Mr. Kirkpatrick.

ATTORNEY GENERAL'S OFFICE,
Nassau, February 24, 1865.

SIR: His excellency the governor has placed in my hands your letter of yesterday's date, and has instructed me to put myself in communication with you, in order to obtain the necessary information to enable me to act in reference to the matter brought by you under his excellency's notice.

I have therefore to request that you will furnish me with a detailed statement of your proofs and the names of the witnesses who can be produced to sustain the same.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 4 in No. 47.]

Mr. Kirkpatrick to the attorney general, Nassau.

UNITED STATES CONSULATE,
Nassau, February 24, 1865.

SIR: I have the honor to acknowledge your favor of this day, asking me to furnish you the evidence, with details of the matters submitted to his excellency the governor by me yesterday. Inclosed you will find copies of the affidavits taken at the time of the transaction, and Charles Jackson, esq., can point out the wstnesses who are now here. I deeply regret that steps were not taken for the immediate arrest of the party before he left in the vessel this morning, or late last night; or when unofficially brought to your notice, as I understood it was yesterday morning, and regret also that the government has not felt called upon to vindicate their violated laws, without waiting for others less interested to call their attention to them, and then also be called upon to furnish evidence to prosecute for these violations; and I regret still more that more simple and entirely harmless violations (if violations at all) when innocently committed by officers of the United States, have been made the subject of severe condemnation.

Notwithstanding I am willing and desirous to furnish the government here with any information I may possess, and will say, in addition, that rumors are abroad, with how much truth I know not, that some of the parties recently engaged in blockade running are about fitting a vessel, or vessels, at Havana, under American colors, to cruise against British vessels, under the hope, undoubtedly, that such an act would involve the two countries in war, and so aid the so-called Confederate States. This information is said to have come from Captain Chadbourne, of the American brig E. P. Secret, now in this port, and who is also said to have seen a commission from some confederate authority to fit out a schooner in this port to cruise and destroy American vessels. I shall communicate the information relating to the rumor of fitting out vessels at Havana under the American flag to the consul of the United States there, that steps may be taken to frustrate the villains engaged in it, if found true.

I have, &c.,
(Signed) THOMAS KIRKPATRICK.

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[85] *[Inclosure 5 in No. 47.]

Declaration of Peter Crawley, James Lockyer, and Andrew Hagan.

BAHAMA ISLANDS.

Be it known and made manifest to all to whom these presents shall come, that, on this day, being Thursday, the 4th day of September, in the year of our Lord 1862, Peter Crawley, lately a fireman on board the British steamship Pacific, now lying at anchor at Hanover Sound Anchorage; James Lockyer, lately a seaman on board the British bark Mary, of and belonging to the port of Liverpool; and Andrew A. Hagan, late seaman on board the British brig Adelaide, of and belonging to the port of Liverpool, in that part of Great Britain called England, severally came and appeared before me, Thomas William Henry Dillet, notary public for the said Bahama Islands, by lawful authority appointed, duly admitted and sworn, and did then and there, of their own free will and voluntary accord, before me, the said notary, severally and respectively, and each one for himself only, allege, affirm, declare, and say, in manner following, that is to say:

And, first, the said appearers do, and each of them doth allege, affirm, declare, and say, that on a Saturday night, in the month of August just passed, and at midnight, they were proceeding to their lodgings, when they met a mob of men in Bay street, in the city of Nassau, opposite to the Matanzas Hotel; that they knew some of the men, who stopped them, then laid hold of them, and said, "Come on." That they asked where they were going, and they replied, on board the Oreto, to work all the night, and until 8 o'clock the next day; that they were going to discharge a schooner's cargo into the Oreto, and they were going to get $5 each for it.

That they went on board the steamship Oreto, with her quartermaster, named Pearson; that previous to their going on board they asked for an explanation, and Pearson told them they were to work all night in discharging a schooner's cargo into the Oreto, and be paid at 8 o'clock the next day.

That when they went on board the Oreto, she was then lying outside of Hog Island, astern of Her Majesty's steamer-corvette Peterel, and attached to her by a hawser; that the Oreto got underway about an hour after they got on board, and then went to sea. And after they had been out about three hours, the Oreto overtook the British schooner Prince Alfred, of and belonging to the port of Nassau, New Providence, which vessel came by us, and Captain Maffit, of the Oreto, hailed us. He asked, "What schooner is that?" and the reply was, the "Prince Alfred." Captain Maffit then asked the captain of the Prince Alfred if he wanted a tow, and he said, "Yes." Captain Maffit told him to take in all sail, as he could tow him better; the captain complied; a hawser was sent on board from the Oreto, and made fast to the Prince Alfred, which vessel was then towed astern to Green Cay, one of the said Bahama Islands.

That on the next morning they began to discharge the Prince Alfred's cargo into the Oreto; that they took out of the Prince Alfred eight cannon, viz, six 32-pounder broadside guns, and two 68-pounder pivot guns; that they also discharged shot and shell in cases, and ammunition in kegs, all of which were put on board the Oreto.

That the cargo of the Prince Alfred was more than could be stowed in the Oreto, and that some barrels of bread, cases of shot and shell, were left in her.

That they remained so employed in discharging and stowing cargo at Green Cay aforesaid for six days; and that before the Oreto left that place, she had all the guns before-mentioned mounted on her deck.

On Sunday morning, a week after they had been employed, they were called aft, and Captain Maffit and his first lieutenant came, and they were paid £3 each for the work they had done; and Captain Maffit told them that they would also receive $2 a day each till they reached Nassau, which sum has not been paid them by any person or persons.

That after they left the Oreto they went on board the Prince Alfred; that the Oreto then hoisted anchor and got under way, and when about 100 or 200 yards from them, she hoisted the flag known as the flag of the Confederate States of America; that her crew manned the rigging and gave three cheers, and she sailed out of sight.

That they sailed in the Prince Alfred on the following day, and went from Green Cay to Ragged Island, being twelve days on the passage; that when they arrived there Captain Morseman, of the Prince Alfred, told them that Captain Maffit had directed him to find them a passage to Nassau; that they asked the said Morseman what about the $2 a day Captain Maffit had promised them, and he said he knew [86] nothing about it.

That the said Morseman paid their passage to Nassau in the sloop Maria, and that they arrived at the said port of Nassau on Sunday, the 31st day of August.

(Signed) PETER CRAWLEY.
JAMES LOCKYER.
ANDREW A. HAGAN.

All which matters and things were declared, alleged, and affirmed, as before is set forth in the presence of the said notary, and therefore I have subscribed my name and affixed my notarial seal, being requested to testify and certify the premises.

This done at the city of Nassau, in the island of New Providence, the day and year first above written.

(Signed) T. WILLIAM HENRY DILLET,
Notary Public, Bahamas.

BAHAMA ISLANDS, *New Providence.*

On this 25th day of February, A. D. 1865, before me, Ormond Drimmie Malcolm, notary public for the said Bahama Islands, personally appeared Thomas William Henry Dillet, esq., now acting as assistant justice of Her Majesty's general court of the said Bahama Islands, who declared that the foregoing declaration was taken by and before him, and is a true copy of the original, as recorded in his register of notarial acts, marked A, at pages 91, 92, 93, 94, and 95.

And I do further certify and attest that I saw and examined the said original declaration in the book aforesaid, from whence the foregoing copy was extracted, and that I found the same to be a true and faithful copy thereof.

In testimony whereof I have hereunto set my name and notarial seal this 25th day of February, A. D. 1865.

(Signed) ORMOND D. MALCOLM,
Notary Public, Bahamas.

[Inclosure 6 in No. 47.]

The attorney general, Nassau, to Governor Rawson.

ATTORNEY GENERAL'S OFFICE,
Nassau, February 27, 1865.

SIR: I have this moment received the inclosed communication from the United States consul, which, your excellency will remark, bears date the 24th instant.

I shall abstain from offering any remarks upon the tone of the consul's letter and the charges therein impliedly made against the Government. With respect, however, to the accusation made against myself, I beg to state that Mr. Jackson, the agent for American underwriters, did mention to me, on the forenoon of the 23d, that there were two seamen then in Nassau who could prove that Captain ——— ———, 1862, fitted out the Oreto at Green Cay; in reply to which I remarked that it appeared a stale charge, and that it would require very clear and positive testimony to be adduced before I should, as law-officer, feel justified at this late period in initiating criminal proceedings against Captain Maffit. There the matter dropped, and I heard nothing further until I received your excellency's note on the morning of the 24th, when I immediately applied officially to the consul for his proofs.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 7 in No. 47.]

Mr. Nesbitt to Mr. Kirkpatrick.

COLONIAL SECRETARY'S OFFICE,
Nassau, March 2, 1865.

SIR: I am directed by his excellency the governor to acknowledge your letter of the 23d ultimo, calling his attention to a violation of the laws on the part of Captain Maffit, by the enlistment of men within this colony.

Your letter reached his excellency at a late hour of the night of the 23d, after Captain Maffit had actually left the port. He lost no time on the following morning in placing it in the hands of the attorney general.

[87] *This officer has since submitted to his excellency your reply to his inquiries. Upon this it is only necessary to inform you that the document which you have supplied dated as far back as September, 1862, furnishes no evidence of any enlistment of men by Captain Maffit.

With regard to the other information contained in this document, and in your letter to the attorney general, his excellency will take such steps as may appear to him to be fitting.

Among these will be the transmission of the correspondence to Her Majesty's government, whose attention he will call to the irrelevant and unjustifiable accusations brought against this government in your recent letters both to the attorney general and myself.

I have, &c.,
(Signed) C. R. NESBITT,
Colonial Secretary.

[Inclosure 8 in No. 47.]

Mr. Whiting to Governor Bayley.

UNITED STATES CONSULATE, NASSAU, NEW PROVIDENCE,
September 8, 1862.

SIR: I have the honor to inform your excellency that I have good authority for stating that the schooner Prince Alfred, of Nassau, took the Oreto's armament from this port and discharged the same on board that steamer at Green Cay, one of the Bahamas. That the Oreto afterward left Green Cay with the secession flag flying at her peak. That the Prince Alfred has returned to this port, and now lies at Cochrane's Anchorage, and I am credibly informed that her captain is again shipping men to be sent to the Oreto in direct contravention of the foreign-enlistment act.

I earnestly urge upon your excellency the propriety of instituting some inquiry into these matters, and of preventing acts so prejudicial to the interests of the friendly Government which I have the honor to represent.

I have, &c.,
(Signed) SAMUEL WHITING.

[Inclosure 9 in No. 47.]

Mr. Nesbitt to Mr. Whiting.

COLONIAL OFFICE, *Nassau, September* 9, 1862.

SIR: In reply to your letter of the 8th instant, directed to the governor, I am instructed by his excellency to inform you that if you feel assured that you have sufficient credible evidence to substantiate your allegation, and will put your evidence into the hands of the attorney general, his excellency will direct a prosecution against the captain of the Prince Alfred, or others who may have been guilty of violating the foreign-enlistment act.

But his excellency has no authority to take any steps against the Oreto which is out of his excellency's jurisdiction.

I have, &c.,
(Signed) C. R. NESBITT,
Colonial Secretary.

[Inclosure 10 in No. 47.]

Memorandum by the attorney general of his interview with Mr. Jackson.

On the afternoon of the 23d February Mr. Jackson, agent for the New York underwriters, came into my office and, addressing me, asked whether I remembered a rumor which had been in existence two or three years back of the armament for Oreto, afterward the Florida, having been carried from Nassau in a schooner called the Prince Alfred, and, on my replying in the affirmative, said, "Well, Maffit is now here, and there are two men also here who can prove that the Oreto was fitted out at Green

[88] Cay," or words to the like effect. I virtually replied, using, as nearly as I *can remember, the following words: "That is an old (or stale) story; tell me of some intended breach of the law on the part of Maffit or any one else, and I will endeavor to stop it at once, but I won't act in this matter unless you bring very distinct and positive evidence before me."

He then said something about Mr. Dillet having taken the evidence at the time, and that I might get it from him, to which I remarked that, if the United States authorities had had evidence taken at the time, it should at once have been laid before the local government, in order that its weight might have been judged of and the course of government decided on.

Here the conversation ended; and, after speaking about some other matters, he left, having been with me altogether not more than ten minutes.

Whether Mr. Jackson came to my office merely for the purpose of making the communication referred to I cannot say; but I think it probable that that was the object of his visit. He has, however, within the last three months, been in the habit of frequently calling and conversing with me at my office, first, chiefly with reference to a criminal prosecution pending against a man of the name of Savage for an alleged complicity in a case of collusive wrecking, and more recently in reference to the case of Verdon Locke, against whom he, as agent for the New York underwriters, laid the original charge. In this latter case he had been in daily communication with me since the arrest of Locke on the 20th; and in such conversations had repeatedly spoken of Maffit, who was in command of the Owl, from on board of which vessel Locke was taken, without hinting the existence of any charge against him; and when he suddenly mentioned it on the 23d, Maffit having been then in port here for some time, I certainly viewed it as a stale charge brought forward at the eleventh hour, and one which I was not called on to notice in an unofficial manner, without any details to warrant me in initiating criminal proceedings, and paid no attention to it. I would remark, however, that before Captain Maffit could have been in due course of law arrested to answer the charge, a regular information on oath must have been laid before a justice of the peace, or such distinct and positive testimony should have been laid before me as would have satisfied me, as attorney general, not only that a violation of law had taken place, but as would enable me to name the witnesses and the precise nature of their testimony; in which case, acting under a local law, I might have issued a precept to a magistrate to inquire, sending him at the same time the names of the witnesses to support the charge.

Up to this moment I am without the latter, as although I have written to Mr. Jackson for the names of the men alleged to have been here, he has, up to this moment, been unable to give them to me, and has only given me, as a means of getting hold of them, the probable place in which one of them is to be found. This was given to me on Saturday, and the police are now in search of them.

(Signed) J. C. ANDERSON,
Attorney General.

MARCH 6, 1865.

[Inclosure 11 in No. 47.]

Mr. Kirkpatrick to Mr. Nesbitt.

UNITED STATES CONSULATE,
Nassau, December 9, 1864.

SIR: I have the honor to acknowledge the receipt of your favor of this day's date. You say, "That if I have any evidence tending to show that any violation of the municipal law has taken place in regard to the steamer Mary, late Alexandra, and will submit to me your proofs for consideration, prompt measures will be taken to vindicate the law should such proofs be of a nature to justify the adoption of proceedings either for the arrest of the vessel or for the prosecution of any party or parties who may be indicated by you."

I thank your excellency for the offer made; and if you would indicate what additional evidence is required I would respectfully consider what my duty would be in regard to it. I have no power to compel the attendance of witnesses to give evidence, even if it were possible for me to do so; my information comes to me in most cases strictly confidential, or from parties who, if known, would be ruined in their business, some of whom may be getting their livelihood from parties interested in these very violations spoken of. Should I be called upon to furnish proofs of the violation of the municipal laws of this colony? Should it not rather be the duty of some one in some department of government to obtain information as to the vindication of their [89] own *laws? Nevertheless, if such officer as you may indicate will call upon me I will furnish him the names of parties, confidentially, who may be able to put the officers in possession of information. But I still think that sufficient evidence will be furnished by the search, if completed, of the vessel to more than sustain what the law-officer, the honorable attorney general, thought to be sufficient, taken in connection with the known character and purposes of the vessel in question.

I have, &c.,
(Signed) THOMAS KIRKPATRICK.

[Inclosure 12 in No. 47

Mr. Kirkpatrick to Mr. Nesbitt.

UNITED STATES CONSULATE,
Nassau, February 7, 1865.

SIR: I had the honor to receive yesterday afternoon your communication of the 4th instant.

I do not intend to enter into any discussion as to whether it was or was not a violation of Her Majesty's proclamation for a boat to land from a ship belonging to the Government of the United States cruising in the offing, or whether it was a violation of the laws of this colony regarding quarantine regulations, nor will I discuss why vessels belonging to other governments, or pretended governments, have been permitted to enter the harbor, or leave it without let, or hinderance, or complaint, as far as I am aware; but I must be permitted to say that I am surprised at the tone of your letter, insisting that Captain Harris was aware that he was committing a violation of those laws, when taken in connection with the conversation had with his excellency the governor, the afternoon when Captain Harris and myself had the honor to converse with him in regard to his (Captain Harris's) errand to Nassau, and the reasons for desiring to anchor inside the bar. I shall give the details of that conversation, and the facts necessary to a full understanding of the subject, to the Department of State of the United States of America, and leave further discussion concerning it where it more properly belongs.

I have, &c.,
(Signed) THOMAS KIRKPATRICK.

[Inclosure 13 in No. 47.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE,
Nassau, March 13, 1865.

SIR: In continuation of my report contained in dispatch of the 10th instant, upon the subject of the charges brought by the United States consul against Captain Maffit, I inclose for your information a copy of two letters from the attorney general, reporting the result of his inquiries after and from the several persons named by the consul.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 14 in No. 47.]

The attorney general, Nassau, to Governor Rawson.

ATTORNEY GENERAL'S OFFICE,
Nassau, March 9, 1865.

SIR: In obedience to the instructions received from your excellency, I addressed a letter to Captain Chadbourne, the person named in the United States consul's letter to me as having a knowledge of certain intended piratical acts on the part of persons in the interest of the southern confederacy, and requested from him information in reference to the matter. Captain Chadbourne had, however, left this port on his return to the United States; but the consignee of his vessel waited on me, and stated that he heard Captain Chadbourne mention a rumor to the effect stated, but that he did not believe that Captain Chadbourne was in possession of any evidence in support of it, and that he, the consignee, did not place the slightest credence in it.

2. I have also to report to your excellency that, through the instrumentality [90] of the *police, I have had Patrick Crawley, one of the persons named as witnesses

against Captain Maffit, brought to my office, when he made a statement to me, substantially the same as made by him in 1862 before Mr. Dillet, as a notary public, with the difference that he now says that the Oreto was equipped at an island to the northward of New Providence; whereas Green Cay, the island originally designated, lies to the southward. He also gives the name of the place as Green Turtle Cay, which does lie to the northward of this, but which could not have been the place, as it is a thickly populated settlement, and therefore does not answer to his further description of the locality, to the effect that there were no inhabitants there.

3. If the Oreto was equipped, as described, within the limits of this government, there can, I apprehend, be little doubt that the transaction took place at or near Green Cay, to the southward of this, and Crawley's present evidence as to another locality must be erroneous.

4. The other man, said to be here, has not as yet been brought to me. Crawley promised to bring him, but as yet has failed to do so.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 15 in No. 47.]

The attorney general, Nassau, to Governor Rawson.

ATTORNEY GENERAL'S OFFICE,
Nassau, March 11, 1865.

SIR: In reference to my letter to your excellency of the 9th instant I have to report that, in compliance with your excellency's instructions, I have made every exertion to find the person therein referred to, as a witness to the equipment of the Oreto. In this search I have been aided by the police and the man Crawley, but as yet without effect.

Should I be able to see him before the closing of the mail I will at once send your excellency a memorandum of his evidence.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 16 in No. 47.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE,
Nassau, March 13, 1865.

SIR: In connection with my dispatches of the 10th and 13th instant I have the honor to inclose a copy of a letter which I have just received from Mr. Consul General Bunch, at Havana, expressing his opinion of the rumor brought to my notice by the United States consul at the port, and reporting the steps that he had taken, in concert with the United States consul at Havana, and the Spanish authorities there, to prevent any piratical attempts being carried out at that port.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 17 in No. 47.]

Consul General Bunch to Governor Rawson.

HAVANA, *March* 9, 1865.

SIR: In reply to your excellency's letter of the 3d instant respecting a possible fitting out in this port of some vessel under American colors for the purpose of preying upon British commerce, I beg to say that I agree with you in attaching no importance to the rumor that such is likely to be the case.

It is, however, not impossible that some of the fast steamers which have, until lately, been engaged in the running of blockades from Havana, mostly under British colors, may be equipped as privateers to cruise against American trade, although this could not be done easily. I have deemed it right to put myself in communication with my colleague of the United States in the matter, and we have concerted such measures [91] with *the Spanish authorities as will, we believe, effectually prevent such an attempt from being successfully carried out.

I am indebted to your excellency for your letter, and have the honor, &c.,
(Signed) ROBERT BUNCH.

No. 48.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
March 23, 1863. (Received March 24.)

SIR: I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, the copy of a dispatch from the governor-in-chief of the Windward Islands, reporting the arrival at Barbados of the confederate steamer Florida, for coaling and repairs.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 42.]

Governor Walker to the Duke of Newcastle.

WINDWARD ISLANDS, BARBADOS, *February* 25, 1863.

MY LORD DUKE: I have the honor to report to your grace that the so-called Confederate States steamer Florida arrived here yesterday, and applied, in consequence of her having met with severe weather, to be allowed to ship some coal and some lumber for repairs.

Arrival at Barbados, February 24, 1863.

2. As in the case of the United States ship of war San Jacinto, which came in here under similar circumstances some two or three months ago, I placed no difficulty in the way of the Florida supplying herself; but, notwithstanding the assurance of the commander that he was bound to distant waters, I have notified to the several colonial governments the fact of her having coaled here yesterday afternoon, a precaution which I also observed with regard to the San Jacinto.

3. In consequence of an application made to me by the United States consul, on behalf of an American bark which was desirous of putting to sea yesterday afternoon at 5 o'clock, I have required the Florida not to sail till this evening at the same hour.

I have, &c.,
(Signed) JAS. WALKER.

No. 49.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
March 31, 1863. (Received April 1.)

SIR: With reference to my letter of the 23d instant, forwarding a dispatch from the governor-in-chief of the Windward Islands, in which he reported the arrival at Barbados of the confederate steamer Florida, I am directed by the Duke of Newcastle to transmit to you the copy of a further dispatch from Governor Walker, inclosing a correspondence with Rear-Admiral Wilkes, of the United States Navy, respecting a complaint made by him of the partiality shown by the governor to this ship; together with the protest of the United States consul, to which reference is made, and other correspondence on the subject.

At Barbados.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 49.]

Governor Walker to the Duke of Newcastle.

WINDWARD ISLANDS, BARBADOS, *March* 7, 1863.

MY LORD DUKE: I have the honor to forward to your grace a copy of a letter which I received this morning from Rear-Admiral Wilkes, commanding the United States naval forces in the West Indies.

Correspondence as to coaling with Admiral Wilkes.

*2. This letter was delivered to me, as your grace will observe, at 25 [92] minutes to 11 o'clock, with a verbal message that the admiral would sail at 11, and I returned by the bearer of it the acknowledgment, of which a copy is inclosed.

3. The rear-admiral had called upon me the previous evening, accompanied by the captain of the Vanderbilt, his flag-lieutenant, and the United States consul.

4. In the conversation which ensued, nothing passed of which it would be possible to complain. The rear-admiral used some expressions as to the unfriendly character of our neutral position as between an old ally and a set of pirates; but these were points of policy, as I told him, which I was not at liberty to discuss, being merely an agent to carry out the instructions which had been given to me.

5. He had come, he said, to inquire into the circumstances under which the Florida had been allowed to coal here. The impression I had been led to form before seeing the admiral was, that he had expected to find the Florida here, and that it was on arriving here he learned that she had refitted and gone to sea.

6. I recapitulated to the admiral what I had done in the case of the San Jacinto, United States vessel of war. She arrived here last from Bermuda on the 13th of November. The commander, Rockendorff, came to me, accompanied by the United States consul, and representing himself to have suffered at sea, and been obliged to exhaust his coal, he claimed, under Earl Russell's instructions, a special permission to ship the necessary articles for his repairs and a moderate quantity of fuel.

7. I then stated to the admiral that the Florida had arrived here under precisely similar circumstances, and had been dealt with in precisely the same way.

8. Indeed, the captain of the last-mentioned vessel told me that unless I allowed him to have some lumber to repair the damage which he had suffered in a recent gale of wind to the northward, and some coal, every bit of which was exhausted in the same bad weather, he could not go to sea, and that he would be obliged to land his men and strip the ship.

9. My permission to him to coal was limited to 90 tons, which was not considered to be by any means a great quantity.

10. Although, as your grace will perceive from the accompanying report of the harbor-master, the Florida reported herself as last from Mobile, it did transpire that she had been at Nassau since, and had there received supplies; but in her case, as well as in the San Jacinto from Bermuda, I was without any official intelligence of where they had been, or what they had been doing, and both cases were dealt with specially as being in distress, and without reference to the circumstance of having been in British ports within the previous three months.

11. On both occasions I immediately wrote to all the governors in this part of the world, to notify the fact that the vessel had coaled here on a specified day; and I so informed Rear-Admiral Wilkes, apparently to his satisfaction. The accompanying acknowledgment of my last circular was put into my hands when Admiral Wilkes was with me. I only annex it to show that no time was lost in adopting all due precaution against any attempt to make this a cruising station.

12. Referring to the last paragraph of the rear-admiral's letter, I would not like to appear to disavow words of proper courtesy and civility, but at the same I would not like to bear the appearance of having made offers of aid and assistance which were not asked of me, and could scarcely have been given under the circumstances, without doing the very thing for which Admiral Wilkes now endeavors to find fault with me. He probably refers to my having said to him that I only gave to the San Jacinto and to the Florida the same assistance which I would be ready to give to him under similar circumstances.

13. The admiral made some complaint about the Florida remaining here a longer time than was warranted by the instructions, but I explained to him that she was prepared to quit at the end of twenty-four hours, and was detained in consequence of the consul's own application.

14. I have only further to inclose a copy of the protest of the American consul referred to in the admiral's letter. It was not put into my hands until some hours after the Florida had received permission to be supplied, but it could not have made any alteration in my line of conduct.

I have, &c.,
(Signed) JAS. WALKER.

P. S.—I should mention that, after the San Jacinto coaled here on the 13th November, she remained in this neighborhood, and actually came into this harbor again a month afterward.

[93] *The only official notification of which I am in possession with respect to the coaling of any of the vessels (belligerents) is one from Jamaica, to the effect that the Alabama coaled there on the 30th January.

J. W.

[Inclosure 2 in No. 49.]

Rear-Admiral Wilkes to Governor Walker.

UNITED STATES FLAG-STEAMER VANDERBILT, CARLISLE BAY,
Barbados, March 6, 1863.

SIR: In our intercourse this morning I had the opportunity to state to you the object of my visit to this island, viz, to inquire into the infraction of Her Majesty's orders relative to the admission of the rebel privateer the Florida, Maffit commander, into this port, being permitted to take in a supply of coal after having obtained a full supply (160 tons) but thirty days ago at Nassau on the 27th of January, 1863, of which fact I presumed your excellency must have received notice, if not officially, at least through the public prints, and the avowal on the part of the said Maffit while in this harbor that he had done so, and had destroyed various American merchant-vessels while pursuing their lawful voyages on the high seas, and that he intended to depredate on the same again on leaving this port, though not in this immediate vicinity.

The language of Earl Russell's dispatch, Her Majesty's secretary of state for foreign affairs, to the Duke of Newcastle, Her Majesty's secretary of state for the colonies, dated 31st January, 1862, seems to be explicit on this point, and I take the liberty to call your attention to the part which particularly refers to it, viz, "No ship of war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters, subject to the territorial jurisdiction of Her Majesty, to take in any supplies except provisions, and such other things as may be requisite for the subsistence of her crew; and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or some nearer destination; and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, roadstead, or waters, subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters as aforesaid."

In the conversation this morning I understood your excellency to say that you had given your permission, without any inquiry as to whether the said privateer Florida had obtained any supplies elsewhere or not, although your attention was called to her suspicious character by the United States consul at this port, under protest that she had, and was about to use the supply afforded to her of coal to depredate on the commerce of the United States, which supply was clearly intended, by the above dispatch of Earl Russell, only to enable her to her reach a home port, and that it was not to be expected that you should institute any such inquiries. The knowledge of the depredations of the Florida had become known to the inhabitants of Bridgetown, and mentioned in the protest of the United States consul, and I could not avoid surprise to learn from your excellency that no investigation had been ordered by which the facts would have been elicited, and action taken on them, by which an infraction of Her Majesty's regulations was then taking place and been proved. Your excellency's excuse that you had received no official communication from the governor of Nassau of the fact of her visiting that colony, for not stopping and denying the Florida coal and supplies, I scarcely believe will be deemed satisfactory to your or my Government.

The United States are endeavoring to act up to, and carry out, the literal construction of Her Majesty's rules prescribed for the belligerents; and it cannot but recur to you that, with this desire, and reposing full faith in all her Majesty's officials, who are bound to carry out these rules in their spirit and literal construction, that my Government should deem this act of the supplying a rebel privateer with aid to carry out her nefarious operations against its commerce, when passing on the high seas at some thousands of miles distant, (as your excellency stated, said Maffit had informed you was his intention,) without which aid the rebel privateer would have been comparatively harmless, and when apprised of his intention, without any action on your part of examination and inquiry, was both untoward and unfriendly.

Having stated these facts, I have to request your excellency will afford me the opportunity of laying before my Government the circumstances under which the Florida was permitted to take in a supply of coal and other provisions to continue
[94] *her cruise and operations, after having so recently coaled and provisioned at Nassau, one of Her Majesty's colonies in the West Indies, ample time having

been afforded—some thirty days—for the information to have reached this island and government, and if any cause existed why an investigation was not instituted after the letter to your excellency was received from the United States consul, the resident official of my Government at this island, when the Florida was lying in these waters under your jurisdiction.

I take this occasion to express to your excellency my thanks for your kind offer of aid and assistance; being in want of nothing, we shall take our departure on the expiration of the limit assigned in Her Majesty's rules, by which time I hope to receive your excellency's reply to this dispatch, and have, &c.

Very respectfully,
(Signed) CHARLES WILKES.

[Inclosure 3 in No. 49.]

Governor Walker to Rear-Admiral Wilkes.

GOVERNMENT HOUSE,
Barbados, March 6, 1863—10.35 a. m.

SIR: I have had the honor this moment to receive your excellency's letter of yesterday's date, with a verbal intimation to the effect that you are to sail at 11 o'clock.

Even if time permitted, I doubt very much whether it would be desirable to enter into correspondence with your excellency upon the points adverted to in your communication, beyond repeating the assurance which I have already conveyed to you personally of my desire to carry out most faithfully the instructions which I have received from Her Majesty's government as to the observance of a due neutrality during this painful struggle, and that in sanctioning the coaling here of the Florida I did no more than what I had sanctioned in the case of the United States steamer of war San Jacinto.

It will, of course, be my duty to forward your representation to Her Majesty's government, to whom I had already reported the fact of the Florida as well as the San Jacinto having been allowed to repair and coal here.

I have, &c.,
(Signed) JAS. WALKER.

[Inclosure 4 in No. 49.]

Mr. Clawson to Mr. Holligan.

HARBOR-MASTER'S OFFICE,
February 24, 1863.

SIR: I have to report for his excellency's information the arrival of the confederate ship of war Florida, (8,) Captain Maffit, for Mobile, in want of coal and provisions.

I am, &c.,
(Signed) E. G. CLAWSON,
Harbor-Master.

[Inclosure 5 in No. 49.]

Mr. Clawson to Mr. Holligan.

HARBOR-MASTER'S OFFICE,
November 13, 1862.

SIR: I have to report, for his excellency's information, the arrival of the Federal ship of war San Jacinto, (12,) Captain Rockendorff, from Bermuda in ten days, in want of water and coal, and some trifling repair to the engine.

Reports the Immortalité at Bermuda.

I am, &c.,
(Signed E. G. CLAWSON,
Harbor-Master.

95] *[Inclosure 6 in No. 49.]

Sir W. Byam to Governor Walker.

LEEWARD ISLANDS, ANTIGUA,
Government House, March 4, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's circular dispatch of the 25th ultimo, acquainting me that the so-called Confederate States steamer of war Florida had arrived at Barbados, and had represented herself to be in distress for want of coals and provisions, and that you had given her special permission to ship them.

I have, &c.,
(Signed) WM. BYAM,
President, Administering the Government.

[Inclosure 7 in No. 49.]

Mr. Trowbridge to Governor Walker.

CONSULATE OF THE UNITED STATES OF AMERICA AT BARBADOS,
February 24, 1863.

May it please your excellency:

Captain D. H. Blake, of the United States merchant bark Sarah A. Nickels, came into this port this morning for fear of being captured by the so-called Confederate steamer Florida. He is desirous of departing on his voyage at 5 p. m. this evening. I would therefore most respectfully request that your excellency will cause this steamer Florida to remain at anchor in this port until to-morrow evening at 5 p. m.

I have, &c.,
(Signed) EDWARD TROWBRIDGE,
United States Consul.

[Inclosure 8 in No. 49.]

Mr. Holligan to Mr. Trowbridge.

SECRETARY'S OFFICE, *February* 25, 1863.

SIR: I am directed by the governor to inform you that on receipt of your letter of yesterday's date, his excellency required of the commander of the Florida that he should not proceed to sea until twenty-four hours should have elapsed after the departure of the bark Sarah E. Nichols.

I have, &c.,
(Signed) J. R. HOLLIGAN,
Colonial Secretary.

[Inclosure 9 in No. 49.]

Mr. Trowbridge to Governor Walker.

CONSULATE OF THE UNITED STATES OF AMERICA AT BARBADOS,
February 24, 1863.

May it please your excellency:

I respectfully beg leave to call your attention to the fact of the privateer Florida's arrival at this port this morning under the so-called confederate flag—a flag that is not recognized by Her Majesty's government or any other nation—for the purpose, ostensibly, of obtaining coal and provisions.

It is well known that she has within the past two months captured and burnt several United States merchant-vessels on the high seas which were engaged in lawful trade.

There are now several United States merchant-vessels in this port, one of them desirous of leaving this evening. I trust that, in view of these circumstances, and taking into consideration the pacific and friendly relations at present existing between Her Majesty's government and the United States, your excellency will be pleased to prevent this vessel from obtaining coal here, or any other supplies that will aid her in carrying on her illegal pursuits. I trust your excellency will be pleased to order that this vessel shall depart from this port at once.

As representative for the United States of America, I feel it my duty, and do [96] hereby *protest in the name of the United States against this privateer vessel being permitted to obtain coal or any supplies contraband of war.

I have, &c.,

(Signed) EDWARD TROWBRIDGE,

United States Consul.

No. 50.

The law-officers of the Crown to Earl Russell.

TEMPLE, *April* 18, 1863. (Received April 18.)

Opinion of law-officers.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 6th instant, stating that he was directed by your lordship to transmit to us a letter from the Colonial Office, inclosing a copy of a dispatch from the governor of the Windward Islands, forwarding copies of correspondence which had taken place between his excellency and Rear-Admiral Wilkes respecting a complaint made by the latter that undue partiality had been shown by the governor to the confederate vessel Oreto, and to request that we would take the same into our consideration, and favor your lordship with our opinion whether there has been any breach of Her Majesty's regulations.

Mr. Hammond was also pleased to state that he was directed by your lordship to inclose a previous letter from the Colonial Office on the same subject.

In obedience to your lordship's commands we have taken these papers into our consideration, and have the honor to report—

That we are of opinion that his excellency the governor of the Windward Islands does not appear to have been guilty of showing any undue partiality to the Oreto, or to have committed any literal breach of Her Majesty's regulations. We would take the liberty of observing further, that his excellency owes no account to Admiral Wilkes of his conduct in the matter of his discharge of his duties towards Her Majesty; and that the very offensive tone and language of that officer's letter ought to apprise his excellency of the inexpediency of long personal interviews and explanations with him. It is manifest that upon this, as upon other occasions, these interviews and explanations are made the pretext for writing subsequent letters of this description, intended to be used hereafter very disingenuously, as proof of charges made at the time of the favor shown by Her Majesty's officers to the Confederate States.

We feel ourselves called upon, while giving to Governor Walker full credit for honest and impartial conduct, to add that, in our opinion, the letter and spirit of Her Majesty's regulations (quoted in Rear-Admiral Wilkes's dispatch of the 6th March, 1863) have not been adhered to with sufficient strictness in either of the cases mentioned, that of the San Jacinto or that of the Oreto. The limits of the supply of coal in particular, prescribed by that regulation, ought to be observed, both as to the quantity of coal to be supplied in the first instance, and as to the interval of time which, in the absence of "special permission," (a permission not contemplated except under "special" circumstances of a kind different, in our opinion, from those which occurred in the two cases in question,) ought to elapse between two successive supplies of coal from British ports.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 51.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *April* 25, 1863.

SIR: With reference to your letters of the 23d and 31st ultimo, I am directed by Earl Russell to transmit to you, to be laid before the Duke of Newcastle, a copy of the opinion of the law-officers of the Crown with regard to the complaint made by Rear-Admiral Wilkes, that undue partiality had been shown by the governor of the Windward Islands to the confederate vessel Oreto.[1]

I am, &c.,
(Signed) E. HAMMOND.

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[97] *No. 52.

Lord Lyons to Earl Russell.

WASHINGTON, *April* 17, 1863. (Received April 30.)

Complaint of United States Government.

MY LORD: I have the honor to transmit to your lordship copies of a note from Mr. Seward, and its inclosure, and a copy of my reply. They relate to a complaint that the regulations respecting belligerent ships in British harbors have been transgressed at Barbados, in favor of the confederate steamer Florida; but there does not seem to be any reason for me to enter into direct communication with the governor of Barbados on the subject.

Your lordship will see that, in this letter from Rear-Admiral Wilkes, which forms inclosure No. 2, the rear-admiral states that the United States are endeavoring to act up to and carry out the literal construction of Her Majesty's regulations.

I have always been myself of opinion that the course best calculated to avoid unpleasant discussions with this Government is to adhere as closely as possible to the regulations. A departure from them, even in favor of the United States cruisers, is likely (as indeed happened at Bermuda) to lead to misunderstandings respecting the nature and extent of the concession intended, and to demands for similar concessions on other occasions; while the displeasure occasioned here by any favor granted to a confederate ship is in no degree diminished by proof that a similar favor had been previously granted to a United States ship.

I have, &c.,
(Signed) LYONS.

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[1] No. 50.

[Inclosure 1 in No. 52.]

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 13, 1863.

MY LORD: I inclose a copy of a correspondence between Rear-Admiral Wilkes and the governor of the British Island of Barbadoes relative to an alleged disregard by the latter of Her Majesty's orders, in permitting the insurgent steamer Florida, Maffit commander, to take in a supply of coal at that island, after having taken in a full supply at Nassau only thirty days before.

I have, &c.,
(Signed) WILLIAM H. SEWARD.

[Inclosure 2 in No. 52.]

Rear-Admiral Wilkes to Governor Walker, March 6, 1863.

[See inclosure 2 in No. 49.]

[Inclosure 3 in No. 52.]

Governor Walker to Rear-Admiral Wilkes, March 7, 1863.

[See inclosure 3 in No. 49.]

[Inclosure 4 in No. 52.]

Lord Lyons to Mr. Seward.

WASHINGTON, *April* 16, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, inclosing a copy of a correspondence between Rear-Admiral Wilkes and the governor of Barbados relative to the steamer Florida having been permitted to coal at that island.

I have, &c.,
(Signed) LYONS.

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[98] *No. 53.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *May* 2, 1863.

SIR: With reference to my letter of the 25th ultimo, I am directed by Earl Russell to transmit to you a copy of a dispatch from Her Majesty's minister at Washington,[1] inclosing copies of his correspondence with Mr. Seward respecting undue favor asserted to have been shown at Barbados to the confederate steamer Florida; and I am to request that, in laying the same before the Duke of Newcastle, you will call his grace's attention to the observations of Her Majesty's minister as to the importance of colonial governors and others adhering as closely as possible to the Queen's regulations with regard to the facilities to be accorded to belligerent cruisers in British ports.

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 52.

No. 54.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, *May* 15, 1863. (Received May 16.)

SIR: I have laid before the Duke of Newcastle your letter of the 25th ultimo, inclosing an opinion of the law-officers of the Crown upon the subject of the complaint of Rear-Admiral Wilkes, that undue partiality had been shown by the governor-in-chief of the Windward Islands to the confederate vessel Oreto.

2. His grace desires me to submit, for Earl Russell's consideration, the following remarks with reference to the law-officers report. This report is not so much a report upon the question of law as a report upon the conduct of the governor in the execution of his instructions; and his grace does not clearly understand whether it is intended to convey a censure on the supposed prudence of Mr. Walker's communication with Admiral Wilkes. If it be so, his grace could not concur in that censure. Assuming it to have been the duty of Mr. Walker to treat Admiral Wilkes with courtesy till his conduct justified a different course, his grace does not see that Mr. Walker made any statement that was imprudent or uncalled for, or which calls for animadversion.

3. With regard to the law-officers' opinion, that the governor did not adhere to Her Majesty's regulations with sufficient strictness, either in the case of the Oreto or in that of the San Jacinto, his grace observes that the law-officers have not afforded any such specification of the governor's errors as might be a guide to him in future. They say that the limits of the supply of coal prescribed by the regulation should be adhered to. But they do not say on what grounds they come to the conclusion that it has been exceeded. The supply is to be limited to such as will enable the ship to reach the nearest of its own ports, or any nearer destination. The supply to the Oreto was 90 tons. The papers do not show (though possibly the law-officers may be aware from other sources) what was the supply to the San Jacinto. The question, therefore, arising upon these papers is, whether 90 tons is more than would be required by such a vessel as the Oreto to reach the nearest confederate port, or any nearer destination.

4. It would be very desirable to explain to Governor Walker for what destination (supposing all confederate ports to be under blockade) the Oreto, or any other confederate ship under similar circumstances, should be allowed to take in coal.

5. On the next point, of alleged insufficient strictness, his grace is disposed to a certain extent to agree with the law-officers. The regulation requires that "no coal shall be again supplied to any such ship of war, or privateer in the same, or any other port, roadstead, or waters, subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters, as aforesaid."

6. The Oreto appears to have coaled at Nassau within three months, and, indeed, within thirty days of her arrival at Barbadoes; and though the American consul's vehement remonstrance of the 24th February against her being allowed to coal did not touch the point, and the governor had no official information of the fact, he does not deny that the fact had transpired, and was known to him, but states that the supply of coal was allowed on the ground of the ship having suffered at sea in a gale of wind, had been obliged to exhaust
[99] *her coal, the whole of which was gone; so that, if supplies were

refused, the captain said he would be obliged to land his men, and strip the ship. The statement of the captain of the San Jacinto was of a like tenor. The first question seems to be, whether the governor ought to have instituted an inquiry into the truth of the statements made to him by the captains of the Oreto and San Jacinto. It appears to his grace that he ought. It is, no doubt, very desirable to avoid resting decisions, of which the impartiality is sure to be questioned, upon the results of inquiries in which, more or less doubtful and conflicting testimony has to be weighed. But in the case of an allegation that a vessel is destitute of coal, all that seems necessary is to send an officer on board to see whether there is coal there or not. Perhaps if the governor were to refuse to take the word of an American admiral for such a fact, and were to send an officer on board to verify it, the admiral would regard the proceeding as offensive; but, nevertheless, his grace thinks that he should be required to submit to it before he should be allowed to coal out of time, unless he be prepared to consent to the word of a confederate officer being taken in like manner without inquiry.

7. But, supposing the governor to have erred in these cases, it is not explained in the report of the law-officers, whether it is of this, or of what other errors, he has been guilty, so as to help him to avoid a repetition of error. For example, supposing it had been the fact duly ascertained, that the Oreto or Jacinto had suffered severely in a gale of wind, had exhausted all her coal, and was disabled from proceeding to sea unless supplied, was the governor to have forbidden her to coal on the ground that she had coaled at some British port within thirty days?

On the other hand, did his only error consist in his having allowed her to coal without verifying the fact of her distress?

8. Again, assuming the fact to be, that there is, or may be hereafter, no confederate port unblockaded, and that the real destination of a confederate vessel asking for supplies is a cruising destination, so that she is not bound for any particular port, is this to deprive her of the supplies which would be granted to a Federal cruiser in all respects similarly circumstanced, except that in her case a port can be designated which is in the possession of her government, by the distance of which from the British colony a standard is afforded for measuring the quantity of coal to be supplied.

9. His grace would be glad to be enabled to send out instructions to Governor Walker, founded upon the opinions of the law-officers, so far as they shall appear to have fully and correctly understood the course taken by the governor, together with any further instructions which would serve for the governor's guidance on the points adverted to, and on the nature of the cases, (if not those alleged by the Oreto and San Jacinto,) in which "special permission" is to be given to take in coals.

10. His grace desires me to observe that Governor Walker, by adopting the course of sending immediate notice to all the other governors in the West Indies of a belligerent vessel having obtained coals and supplies at Barbadoes, appears to have taken a very useful precaution against the violation of the regulations, and that it would, apparently, be expedient to instruct the other governors to do likewise.

I am, &c.,
(Signed.) T. FREDK. ELLIOT.

No. 55.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, *May* 15, 1863. (Received May 18.)

SIR: I have laid before the Duke of Newcastle your letter of the 2d instant, inclosing a dispatch from Her Majesty's minister at Washington respecting the complaint made by the United States Government of undue partiality shown by the governor of Barbados to the confederate steamer Florida.

I am to refer to the letter which was addressed to the Foreign Office upon this subject by his grace's desire on the 15th instant.

I am, &c.,
(Signed) T. FREDK. ELLIOT.

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[100] *No. 56.

Mr. Hammond to the law-officers of the Crown.

FOREIGN OFFICE, *May* 19, 1863.

GENTLEMEN: With reference to your report of the 18th ultimo, respecting the alleged partiality shown by the governor of the Windward Islands to the confederate steamer Oreto, I am directed by Earl Russell to transmit to you, together with the previous papers, a letter from the Colonial Office,[1] containing the Duke of Newcastle's observations upon the views stated in your report. I also transmit to you a dispatch and its inclosures which have been received from Her Majesty's minister at Washington on this subject;[2] and I am to request that you will again take this matter into your consideration, and favor Lord Russell with such further observations as you may have to offer thereupon.

I am, &c.,
(Signed) E. HAMMOND.

No. 57.

The law-officers of the Crown to Earl Russell.

TEMPLE, *June* 8, 1863. (Received June 9.)

Further opinion of law-officers as to coaling.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 19th May, ultimo, stating that, with reference to our report of the 18th April last, respecting the alleged partiality shown by the governor of the Windward Islands to the confederate steamer the Oreto, he was directed by your lordship to transmit to us, together with the previous papers, a letter from the Colonial Office, containing the Duke of Newcastle's observations upon the views stated in our report.

Mr. Hammond was also pleased to transmit to us a dispatch, and its inclosures, which had been received from Her Majesty's minister at Washington on this subject, and to request that we would again take this matter into our consideration, and favor your lordship with such further observations as we might have to offer thereupon.

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[1] No. 54.

[2] No. 52.

In obedience to your lordship's commands we have taken this matter into consideration, and have the honor to report—

That we intended to express by our report that we thought the communications and explanations of Mr. Walker to Admiral Wilkes, regard being had to the character of that officer, were unnecessary and inexpedient; and that it appeared to us that they were likely to lead, as they appear to have done, to the difficulties which have arisen from the letter of Admiral Wilkes to Mr. Walker.

That, with respect to the observance of Her Majesty's regulations, in answer to the questions of the Duke of Newcastle, we have the honor to state our opinion: That it is most desirable that the terms of Her Majesty's proclamation should be strictly adhered to; that coal ought not to be supplied to either belligerent, except in such quantity as may be necessary to "carry such vessel to the nearest port of her own country, or to some nearer destination;" and that by these latter words it is not intended to include a mere cruising destination, but some definite port or place. That, therefore, coal granted at any of Her Majesty's ports, and consumed in cruising, ought not to be replenished under the terms of the proclamation; but that a vessel whose coal has, owing to real necessities arising from stress of weather, been prematurely exhausted, before she could (if time and weather were the only obstacles) reach her port of destination, ought not to be forbidden by the governor to coal, although within the time specified in the regulations.

It would appear to us that the suggestion of sending an officer on board to verify in each case the necessity of coaling, would be likely to give great offense to belligerent men-of-war; but of course it would be competent to Her Majesty's government, if they thought fit, to make such a verification the condition of liberty to coal in Her Majesty's ports.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

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[101] *No. 58.

Mr. Hammond to Mr. Elliot.

FOREIGN OFFICE, *June* 12, 1863.

SIR: I am directed by Earl Russell to state to you that he referred to the law-officers of the Crown your letter of the 15th ultimo, containing remarks upon the report made by those officers with regard to the partiality alleged to have been shown by the governor of the Windward Islands to the confederate steamer Oreto.

I am now to transmit to you, to be laid before the Duke of Newcastle, a copy of a further report from the law-officers of the Crown in explanation and elucidation of their previous report;[1] and, with reference to the suggestions therein made, I am to request that you will state to his grace that the restrictions as to coaling appear to Lord Russell to be reasonable.

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 57.

No. 59.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
June 25, 1863. (Received June 26.)

SIR: I am directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 12th instant, inclosing a further opinion of the law-officers of the Crown respecting the partiality alleged to have been shown by the governor of the Windward Islands to the confederate steamer Oreto.

Instructions to the governor.

I request that you will state to Earl Russell that his grace proposes, with his lordship's concurrence, to address to Governor Walker, and to the governors of the several West Indian colonies, the following dispatches communicating his lordship's opinion in respect to the restrictions under which coals are to be furnished to Federal and confederate ships of war.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 59.]

Draught of dispatch to Governor Walker.

DOWNING STREET, *June* —, 1863.

SIR: I have received and had under my consideration your dispatch of the 7th March, giving an account of certain communications which have passed between yourself and Rear-Admiral Wilkes, of the United States Navy.

You were quite right in refusing to enter into correspondence with that officer upon the matter adverted to in his dispatch of the 5th March. On this and other occasions it has become evident that interviews and explanations such as you accorded to Rear-Admiral Wilkes were made the pretext for placing on record charges more or less direct against officers of Her Majesty. And I think that, as the governor of one of Her Majesty's colonies owes no explanation of his conduct to an officer of the United States Navy, it will be prudent hereafter to avoid such explanations as far as the rules of courtesy will allow. It is the wish of Her Majesty's government that matters of complaint should in general be discussed between the two governments concerned rather than between any subordinate officers.

With regard to the issue of coal to the war-vessels of the belligerents, you have, I think, allowed yourself too much liberty in giving the "special permission" to take in fuel contemplated in Her Majesty's proclamation. Coal, in the opinion of Her Majesty's government, ought not to be supplied to a vessel of war of either belligerent except in such quantity as may be necessary to carry such vessel to the nearest port of her own country, (or, of course, any nearer port,) and this, I will add, without reference [102] to the *question whether the ports of that country are or are not under blockade. In case of such blockade it will rest with the officer in command to seek some more convenient destination. If within the period prescribed by the proclamation a vessel thus furnished with coal in one of Her Majesty's possessions should apply for a second supply in the same or another colony, the application may be granted if it is made to appear that, owing to real necessities arising from stress of weather, the coal originally given has been prematurely exhausted before it was possible that the vessel could, under existing circumstances, have reached the destination for which she coaled.

But if it should be the case that the vessel has not, since taking in coal, been *bona fide* occupied in seeking her alleged destination, but has consumed her fuel in cruising, the coal should not be replenished under the terms of the proclamation. Such a case is not one to which the "special permission" referred to in that proclamation was intended to apply.

Her Majesty's government are of opinion that the regulations of the proclamation thus interpreted should be strictly adhered to without any arbitrary concession to either belligerent. It is by such a course that misunderstandings and complaints of partiality will be most certainly avoided. An unauthorized concession to one belligerent, it may be safely assumed, will not be accepted by those to whom it is made as a justification of a similar concession in an opposite direction.

I approve of your having communicated to the officers administering the government of the other West Indian Islands the fact that certain Federal and confederate vessels of war had called at Barbados.

I shall instruct the governors of the other islands to follow the same course, communicating in all cases the name of the vessel, its alleged destination, and the date of receiving the coal, and the quantity allowed to be placed on board.

I have, &c.

[Inclosure 2 in No. 59.]

Draught of circular to all governors of the West Indian colonies except Barbados.

DOWNING STREET, *June* —, 1863.

Circular to governors of West Indian Colonies as to coaling.

SIR: I think it well to communicate to you the decisions at which Her Majesty's government have arrived on certain questions arising out of the instructions which I transmitted to you in my circular dispatch of the 1st February, 1862, respecting the duties of neutrality to be observed during the existing hostilities between the Federal and Confederate States of North America.

I must first, however, observe that the governor of one of Her Majesty's colonies owes no explanation of his conduct to an officer of the United States Navy, and that it will be prudent to avoid any detailed explanations as far as the rules of courtesy will allow. It is the wish of Her Majesty's government that matters of complaint should, in general, be discussed between the two governments concerned rather than between any subordinate officers.

With regard to the issue of coal to the war-vessels of the belligerents, I have to state that coal supplied to a belligerent vessel of war, under the "special permission" contemplated in Her Majesty's proclamation, should be issued in no greater quantity than may be necessary to carry such vessel to the nearest port of her own country, (or, of course, any nearer port,) without reference to the question whether the ports of that country are or are not under blockade. In case of such blockade, it will rest with the officer in command to seek some more convenient destination. If, within the period prescribed by the proclamation, a vessel thus furnished with coal in one of Her Majesty's possessions should apply for a second supply in the same or another colony, the application may be granted, if it is made to appear that, owing to real necessities arising from stress of weather, the coal originally given has been prematurely exhausted before it was possible that the vessel could, under existing circumstances, have reached the destination for which it was coaled.

But if it should be the case that the vessel has not, since taking in coal, been *bona fide* occupied in seeking her alleged destination, but has consumed her fuel in cruising, the coal should not be replenished under the terms of the proclamation. Such a case is not one to which the "special permission" referred to in the proclamation was intended to apply.

[103] *Her Majesty's government are of opinion that the regulations of the proclamation thus interpreted should be strictly adhered to, without any arbitrary concession to either belligerent. It is by such a course that misunderstandings and complaints of partiality will be most certainly avoided. An unauthorized concession to one belligerent, it may be safely assumed, will not be accepted by those to whom it is made as a justification of a similar concession in the opposite direction.

In the event of any Federal or confederate vessel of war coaling at any port of the colony under your government, I have to instruct you at once to communicate to the governors of the several West Indian colonies the name of the vessel, its alleged destination, the date of receiving the coal, and the quantity allowed to be placed on board.

I have, &c.

No. 60.

Mr. Layard to Sir F. Rogers.

FOREIGN OFFICE, *July* 7, 1863.

SIR: With reference to your letter of the 25th ultimo, I am directed by Earl Russell to request that you will state to the Duke of Newcastle that Lord Russell concurs in the instructions which his grace proposes to address to Governor Walker and to the governors of the several West India Islands, respecting the restrictions under which coals are to be furnished to Federal and confederate ships of war.

I am, &c.,
(Signed) A. H. LAYARD.

No. 61.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *July* 9, 1863.

MY LORD: With reference to your lordship's dispatch of the 17th April, relative to the partiality alleged to have been shown by the governor of the Windward Islands to the confederate steamer Oreto, I transmit to you herewith a copy of a letter from the Colonial Office,[1] inclosing copies of instructions which the Duke of Newcastle proposes to address to the governor of the Windward Islands and to the governors of the British West India colonies, respecting the restrictions under which coals are to be furnished to Federal and confederate ships of war.

A copy of the answer which I have caused to be returned to the Colonial Office is likewise inclosed.[2]

I am, &c.,
(Signed) RUSSELL.

No. 62.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *July* 15, 1863. (Received July 17.)

Prize or tender burned and drifted ashore.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter, dated the 29th June, from Captain Tatham, of Her Majesty's ship Phaeton, at Saint Thomas, relating to a prize to the Florida (confederate vessel) having been burned and the crew landed at Barbados, and reporting that General Santa Anna, formerly President of Mexico, had been recalled to that country.

I am, &c.,
(Signed) C. PAGET.

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[104] *[Inclosure in No. 62.]

Captain Tatham to the secretary to the admiralty.

[Extract.]

PHAETON, *Saint Thomas, June* 29, 1863.

The following extract from my letter of proceedings to the commander-in-chief may be interesting to their lordships:

"Admiral Wilkes has been relieved by Admiral Lardner. The former has sailed in the Federal Alabama, for Havana; the latter, in the Ticonderoga, (screw, 16 guns,) has gone, it is said, to Barbados, respecting a prize to the Florida, burned and drifted on shore on the Cobblers' Rock, on the 20th instant.

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[1] No. 59.

[2] No. 60.

"The prize-officer was recognized as belonging to the Florida, and he states that the vessel had been kept as a coaling-vessel and tender to the Florida. Not being able to reach a confederate port, they determined to burn her, and the crew landed at Barbados while the Phaeton was there.

"The bark seems to have had a quantity of tobacco on board, but there is no trace of coal.

"The vessel's name on her stern was obliterated, and a great many handcuffs and irons have been found.

"Though there seems every probability she is a prize, the story of the prize-crew does not seem quite clear, and the obliteration creates suspicion; but more particulars may be elicited before the court of vice-admiralty.

"There were some irregularities by wreckers, which were put down by the police.

"It is reported, apparently on good authority, that Santa Anna, former President of Mexico, and now resident at this island, has been called to Mexico by some party under French protection, and he goes there by the next packet.

"If the French really desire to escape from their position, this might be a means to such an end, but far from the programme announced by the Emperor, and very disappointing to British interests.

"The depot-ship Gansbok is now the only Federal in this port.

"The lieutenant-governor of this island has been appointed governor of Santa Cruz, and the Danish corvette Dagmar has returned to Europe."

No. 63.

Governor Rawson to the Earl of Kimberley.

WINDWARD ISLANDS, *Barbados, September* 8, 1871.

MY LORD: I have the honor, in reply to your lordship's circular dispatch of the 24th July, calling for information regarding the proceedings of the so-called confederate cruisers in these seas, to forward a report from the harbor-master, detailing the circumstances of the visit of the Florida to Barbados in February, 1863.

2. I have written to the other islands to ascertain whether any of the cruisers in question visited them. I have as yet only received a reply from Saint Lucia, where none of them made their appearance. I expect a similar answer from the other islands.

3. I will not pass over without notice the occurrence of the stranding of a burned bark on the eastern coast of this island, on the 20th June, in the same year, which proved to be the Lapwing, of New York, a prize of the Florida, which had cruised for nearly two months as her tender, and which is supposed to have been set on fire by her crew, on finding themselves beset by Federal war-steamers, as, on the day of her stranding, a ship's boat, manned by two officers and eight men, part of the crew of the Florida, arrived in Carlisle Bay.

4. I have taken these details from Governor Walker's dispatches of 24th June and 7th July, 1863, respectively. I have only to add that the hull and materials saved were sold by the vice-admiralty court, and that, after payment of salvage and expenses, the balance, amounting to £170 8*s*. 11½*d*., was handed over to the Atlantic Mutual Insurance Company, which had established its claim to it. I inclose the certificate of the registrar of the court to the above effect.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[105] *[Inclosure 1 in No. 63.]

Certificate.

I certify that the Confederate States war-steamer Florida, of 8 guns, Maffit commander, arrived at this port the 24th of February, 1863, about 11 a. m., from Mobile, in want of coal and provisions, which were supplied by mercantile firms of this city; and that she left the port the next night, (25th.)

That no captured vessels were brought into port with her, nor was there any molestation by her of any American vessels then in port, or approaching it.

That the Florida was the only confederate war-vessel that visited this port during the American rebellion, and that no captures arrived at this port during that period.

Given under my hand and seal, at the harbour-master's office, the 31st day of August, 1871.

(Signed) E. M. CLAWSON,
Harbor-Master, and Captain of the Port.

[Inclosure 2 in No. 63.]

Vice-admiralty court of Barbados.

On the 23d day of June, 1863, a warrant on the petition of Samuel Taylor, esq., Queen's proctor, who was also a party to the proceedings in the cause, was issued out of this court, to arrest a derelict vessel, her tackle, apparel, and furniture, lying stranded in a bay called Cole's or Mottley's Bay, on the windward coast of this island; and the same was duly executed by Charles Tinling, esq., the marshal of this court; the name of the vessel was unknown, but was afterward ascertained to be the Lapwing. Certain portions of the sails, cargo, and portions of the vessel were saved and brought on shore by various persons, who claimed salvage for the same, which was awarded by the court, and paid to the several parties who respectively filed their claims on oath. The hull of the vessel and articles saved were sold by auction, and the same paid into the registry, after deducting the expenses of sale, amounted to the sum of £344 16*s.* 2*d.* This sum was subsequently claimed by the agent here of the Atlantic Mutual Insurance Company of New York, United States of America; and after proof before the court, a balance or a sum of £170 8*s.* 11½*d.* remaining, after payment of the salvage, and costs of arrest, the petitioners for salvage, and payment of such balance paid to Peter Chapman, proctor for said Atlantic Mutual Insurance Company.

(Signed) SAML. HUSBANDS,
Registrar, Vice-Admiralty Court.

SEPTEMBER 8, 1871.

No. 64.

Consul Lennon-Hunt to Earl Russell.

PERNAMBUCO, *May* 1, 1863. (Received May 22.)

MY LORD: The French bark Bremontier has just arrived at this port, bringing fifteen seamen belonging to various merchant-vessels lately sailing under the flag of the United States.

Prisoners landed at Pernambuco, May 1, 1863.

The master of the Bremontier reports that he was brought-to by the steam-vessel Florida, of the Confederate States of North America, in latitude 1° south, longitude 31° 30′ west, and was asked by the commander of the Florida his destination, and the number of passengers he could take.

The master replied that he could only take six, but the commander of the Florida insisted upon his taking fifteen.

The French master says that, being under the Florida's guns, with the crew at quarters, and the guns run out, he believed that violence was intended if he refused to comply with the demand, and that, under compulsion, he received the men on board his vessel.

On arrival he applied to the consul of the United States for payment of the passages of these men, and to request that they might be taken from his vessel at once. The consul has declined to receive them, or to pay anything on account of their passages, and endeavors to throw [106] upon the master of the Bremontier the onus of having *consented to relieve the Florida of such an embarrassment as these men might be supposed to prove on board.

It is reported that the Florida has taken and burnt fifteen vessels sailing under her enemy's flag.

The bark Lapwing, of Baltimore, 504 tons, one of the prizes of the Florida, is being fitted out as a confederate cruiser, according to the statement of the masters of the captured vessels, thirty-five men and guns having been placed on board.

I have, &c.,
(Signed) G. LENNON-HUNT.

No. 65.

Consul Lennon-Hunt to Earl Russell.

PERNAMBUCO, *May* 13, 1863. (Received June 2.)

Arrival at Pernambuco, May 8, 1863.

MY LORD: I have the honor to inform your lordship that the steam-vessel of the Confederate States of North America, Florida, entered this harbor on the 8th instant, and that permission to remain for twenty-four hours was conceded to the commander. A representation was, however, made to the president that her machinery was out of order, and that it would be impossible to proceed with safety in less than three or four days, and the authorities consented to permit the vessel to stay for that time.

The defective machinery was repaired on shore, and the Florida left this port, steering almost due south, at 2 p. m. on the 12th instant.

The United States consul here addressed the government protesting against the facilities that had been granted to a vessel which he described as piratical.

The president replied that there had been no infringement of the letter or the spirit of international law in the course pursued by the authorities, that he could not agree with the consul in regarding the Florida as a piratical vessel, and that he could not admit his protest.

I have, &c.,
(Signed) G. LENNON-HUNT.

No. 66.

Lord Lyons to Earl Russell.

WASHINGTON, *August* 7, 1863. (Received August 19.)

Salute to Florida at Bermuda.

MY LORD: Mr. Seward told me some days ago that he had been informed that a confederate ship had been saluted at Bermuda. He said that this intelligence had produced a painful impression, and that he should be glad to know what had really occurred.

I answered that I did not think it likely that the confederate flag would be saluted in any part of the Queen's dominions; but I avoided making any engagement to obtain the information for which Mr. Seward asked. I thought it very undesirable to encourage a habit of asking and giving explanations concerning similar rumors respecting occurrences in the British colonies, and I was not sure that it would be right to admit that the fact of a confederate vessel's having been saluted would justify a demand from this government for an explanation.

I have, however, thought it well to write to the governor of the Bermudas the private letter of which I have the honor to inclose a copy, and in which I have asked his excellency to let me know whether a confederate flag or a confederate ship has really been saluted at Bermuda, and if so under what circumstances. I shall be guided by his excellency's answer in determining whether or not to revert to the subject with Mr. Seward.

I have, &c.,
(Signed) LYONS.

[Inclosure in No. 66.]

Lord Lyons to the governor of Bermuda.

WASHINGTON, *August* 7, 1863.

SIR: Mr. Seward, the Secretary of State of the United States, told me a few days ago that he had been informed that a confederate ship had been saluted at Bermuda. Mr. Seward said that a painful impression had been produced by this intelligence, and that he should be glad to know what had really occurred.

[107] *I answered that I did not think it likely that the confederate flag would be saluted in any part of Her Majesty's dominions; but I did not engage to obtain the information for which Mr. Seward asked, because I deemed it undesirable to let a habit arise of asking and giving explanations concerning reports of this nature. For the same reason I do not now address your excellency officially on the subject. It would, however, be useful to me to know whether the confederate flag or a confederate ship was, in fact, saluted at Bermuda; and, if so, under what circumstances. If your excellency will kindly give me this information, in whatever form you may deem most convenient, you will very much oblige me, and you will enable me to determine whether or not to return to the subject in my communications with Mr. Seward.

I have, &c.,
(Signed) LYONS.

P. S—I purpose to send a copy of this letter to Lord Russell.

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No. 67.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE, *September* 4, 1863.—(Received September 5.)

SIR: I am directed by the secretary of state for war to transmit to you, for the consideration of Earl Russell, the accompanying copy of a letter which has been received at the Horse Guards from the major general commanding the troops in Nova Scotia, commenting upon the conduct of the officer commanding in Bermuda, in having returned the salute of the confederate war-steamer Florida.

At Bermuda, July 16, 1863. As to salute there.

Earl de Grey will be glad to be informed of the opinion of Earl Russell as to the course pursued by Colonel Munro.

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure 1 in No. 67.]

Major General Doyle to the military secretary.

HALIFAX, NOVA SCOTIA, *August* 18, 1863.

SIR: I have the honor to transmit the accompanying letter from Colonel Munro, commanding the troops in Bermuda, informing me that under the circumstances detailed therein he had returned the salute of a confederate man-of-war, which I request you will have the goodness to submit for the consideration of his royal highness the field marshal commanding-in-chief. I beg leave to submit that, in returning the salute in the present instance, the commandant (who was assisted by the opinion of the governor of Bermuda) has erred in judgment, inasmuch as the salute was offered, and should have been declined upon the grounds of the confederate flag not having been recognized by Her Majesty's government, although I consider the case would have been otherwise had the confederate man-of-war first saluted the British flag without asking any questions.

I would beg to be favored with his royal highness's instructions on this matter, as a similar circumstance may at any time occur in this garrison.

I have, &c.,
(Signed) HASTINGS DOYLE.

[Inclosure 2 in No. 67.]

Colonel Monro to Major Nugent.

[Confidential.]

BERMUDA, *August* 7, 1863.

SIR: I have the honor to report for the information of the major general commanding, that on the 16th of last month the Confederate States steamer of war Florida came into the harbor of Saint Gencis by permission of the governor of Bermuda. Shortly after its arrival the commander sent me a message to say that he was desirous of paying the usual compliment of a salute to Her Majesty's flags and forts, and inquiring whether the salute would be replied to.

I had previously consulted the governor on the subject, and as he considered that the salute should be returned if offered, I accepted the salute and returned it gun for gun.

I have, &c.,
(Signed) WILLIAM MONRO.

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[108] *No. 68.

Mr. Layard to Major General Sir E. Lugard.

FOREIGN OFFICE, *September* 9, 1863.

Salute should not have been offered.

SIR: I have laid before Earl Russell your letter of the 4th instant, inclosing a copy of a letter received at the Horse Guards from Major General Doyle, commenting upon the conduct of the officer commanding in Bermuda in having returned the salute of the confederate war-steamer Florida.

I am to state to you, in reply, for the information of the Earl de Grey, that Lord Russell concurs in the view taken by Major General Doyle of this proceeding, and thinks the salute should not have been offered.

I am, &c.,
(Signed) A. H. LAYARD.

No. 69.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *September* 11, 1863.
(Received September 12.)

SIR: I am directed by the Duke of Newcastle to transmit to you for the information of Earl Russell, the accompanying copy of a dispatch from the governor of Bermuda, inclosing a correspondence relative to the coaling and repairing of the confederate war-steamer Florida, on the occasion of a recent visit from her to Bermuda.

Coaling and repairs at Bermuda.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 69.]

Governor Ord to the Duke of Newcastle.

BERMUDA, *August* 3, 1863.

MY LORD DUKE: I have the honor to acquaint your grace that the Confederate States steamer Florida, commanded by Captain Maffit, came off the port of Saint George's on the evening of the 15th ultimo, and received from me permission to enter this port on the following morning.

2. Having sent to Captain Maffit a copy of the printed circular letter I have had drawn up, embodying the instructions of Her Majesty respecting the treatment of Federal and confederate vessels of war, he called on me on the day of his arrival, and stated that he had been at sea seventy days, with the exception of two visits to Havana and Barbados, each of which occupied less than twenty-four hours, and a visit of shorter duration to a port in the Brazils; that he was last from the immediate neighborhood of New York, within sixty miles of which he had been harassing the United States commerce; that he was in want of repairs to the hull and machinery of his ship, and a small supply of coal; that he feared he should experience difficulty in obtaining the latter, as he was informed that there was no steam-coal whatever in the colony, except in the stores at the dock-yard, and that he trusted, under the circumstances, he would be permitted to receive from this source as much as would serve to carry him to a port of his own country; that he would then use every exertion to complete his refitment, and would leave the colony forthwith.

3. I told Captain Maffit that his application for coal from admiralty stores must be made to the senior naval officer, but I assured him at the same time that it would not be complied with, and I granted him permission to remain so long as might be necessary to fit his ship for sea, and to procure from private sources the coal actually required.

Supply of coal from admiralty stores refused.

4. Finding it impossible to procure any coal from private individuals, and that the repairs to his machinery required resources which the colony could not afford, Captain Maffit made several endeavors to obtain the asssistance he needed from the stores of her Majesty's naval and military departments, but, as your grace will perceive from the accompanying correspondence, without effect. At length the arrival of a vessel from Halifax with a supply of coal released him from his difficulty, and the Florida took her departure from the colony on the 25th July.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

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[109] *[Inclosure 2 in No. 69.]

Mr. Bourne to Governor Ord.

PORT OF SAINT GEORGE,
Bermuda, July 15, 1863.

SIR: The Confederate States steamer Florida, Commander Maffit, came to anchor this afternoon in Five Fathom Hole, in want of coals, repairs to engines, and hull of ship, but owing to her not being released from quarantine up to sunset, Commander Maffit has been unable to communicate personally with your excellency.

I am instructed by Commander Maffit to request of your excellency to allow the Florida to enter the port of Saint George to obtain coals and make the necessary repairs.

On the Florida's release from quarantine, Commander Maffit will have the honor of waiting on your excellency.

I have, &c.,
(Signed) JNO. T. BOURNE.

[Inclosure 3 in No. 69.]

Mr. Plow to Mr. Bourne.

MOUNT LANGTON, *July* 15, 1863.

SIR: The governor has sent a telegraph releasing the Florida from quarantine, and allowing her to come into Saint George's for repairs.

A further communication will be made to Captain Maffit to-morrow morning.

I have, &c.,
(Signed) HENRY FREDERICK PLOW.

[Inclosure 4 in No. 69.]

Mr. Walker to Governor Ord.

SAINT GEORGE'S, *July* 18, 1863.

SIR: At the request of Captain Maffit, commanding Confederate States steamer Florida, I have the honor to inform your excellency that on his application at the dock-yard this morning for coals, he was informed by Captain Glasse that under his present instructions he did not feel authorized to furnish the Florida with the small amount even which Captain Maffit required.

As the Florida must, therefore, of necessity be detained at this port as a vessel in distress, until the arrival of coals, which are daily expected, Captain Maffit begs me to inquire of your excellency if the privilege will be accorded to him of proceeding to the dock-yard for the purpose of having effected some repairs to machinery and hull of ship which are of essential importance, and which cannot be effected in the port of Saint George's.

I have, &c.,
(Signed) NORMAN STEWART WALKER.

[Inclosure 5 in No. 69.]

Governor Ord to Mr. Walker.

MOUNT LANGTON, *July* 19, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, informing me, at the request of Captain Maffit, of the Confederate States steamer Florida, that having applied yesterday at the dock-yard for coals, he was informed by Captain Glasse, royal navy, that he did not feel authorized to furnish the Florida with the small amount she required, and further stating that, as the Florida must, therefore, of necessity be detained at this port as a vessel in distress until the arrival of coals, which are daily expected, Captain Maffit begs you to inquire whether the privilege will be accorded to him of proceeding to the dock-yard for the purpose of having effected some repairs to machinery and hull of ship which are of essential importance, and which cannot be effected in the port of Saint George's.

Having referred this application to Captain Glasse, superintendent of the dock-yard, I have the honor to acquaint you that he informs me that he does not feel himself at liberty to allow of any repairs to the machinery or hull of the Confederate States steamer of war Florida being effected in Her Majesty's dock-yard.

[110] *In making this communication I have to express a hope that Captain Maffit may yet find it in his power to obtain for his vessel such supplies of coal and such necessary repairs as will enable her to proceed without delay to her destination, but I must, at the same time, point out that Her Majesty's instructions (with a copy of which Captain Maffit was supplied on the 16th instant) are very stringent as to the

limitation of the stay in British waters of vessels of war of the United States or Confederate States, and that it is necessary that whatever may be required to enable the Florida to take her departure from these islands, should be provided in the shortest possible period. If, however, Captain Maffit should find it impossible to procure at the present time whatever may be requisite for this purpose, I must request that he will at once proceed with the Florida to Grassy Bay, there to remain until his departure from the colony is rendered practicable.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

[Inclosure 6 in No. 69.]

Mr. Walker to Governor Ord.

SAINT GEORGE'S, *July* 20, 1863.

SIR: Since the communication which I had the honor to address to your excellency on Saturday evening last, Captain Maffit has been informed that there is a large quantity of coals at this port belonging to the commissariat department.

He, therefore, requests me, in his great emergency, to apply, through your excellency, to the proper officers, for a quantity sufficient to carry his vessel to some other coaling depot.

Captain Maffit will be happy to have the opportunity of paying for the coals in coin immediately, or of having them returned in kind, within two or three weeks, at any point in the island which may be indicated.

I have, &c.,
(Signed) NORMAN STEWART WALKER.

[Inclosure 7 in No. 69.]

Governor Ord to Mr. Walker.

MOUNT LANGTON, *July* 20, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, requesting, on behalf of Captain Maffit, Confederate States steamer Florida, that he may be permitted to take from a large quantity of coal belonging to the commissariat department at Saint George's, a quantity sufficient to carry his ship to some other coaling depot.

In reply, I have to inform you that the coal in question is not under my control, but under that of Colonel Munro, the commandant of the troops.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

[NOTE.—I communicated to Colonel Munro the application that was about to be made to him; and was afterward informed by him that Captain Maffit had pressed his request at a visit he made to him, and that Colonel Munro informed him it was out of his power to accede to it.]

[Inclosure 8 in No. 69.]

Governor Ord to Mr. Walker.

MOUNT LANGTON, *July* 22, 1863.

SIR: Referring to my letter to you of the 20th instant, I have the honor to request that you will be good enough to ascertain, for my information, when the necessary repairs and coaling of the Confederate States steamer Florida will be completed, so as to enable her to proceed to sea.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

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[111] * [Inclosure 9 in No. 69.]

Mr. Walker to Governor Ord.

SAINT GEORGE'S, *July* 22, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's communications of the 19th, 20th, and 22d instant, and, in reply thereto, I am requested by Captain Maffit to inform your excellency that he is using every effort to proceed to sea with as little delay as possible.

Captain Maffit is fully aware of the stringent character of Her Majesty's instructions with regard to the stay in British waters of men-of-war of the United States and of the Confederate States; and begs me to assure your excellency that his detention has been occasioned not by any disposition to contravene Her Majesty's instructions on the subject, but from the great deficiency of labor at this port, and from causes to which the attention of your excellency has already been directed.

The necessary repairs to Captain Maffit's ship are now nearly completed, and he will commence taking in his coals at 12 m. to-day. As it is probable that it will be impossible to finish coaling until to-morrow, (Friday,) Captain Maffit would be happy to receive the permission of your excellency to remain in the port of Saint George's until Saturday morning.

Before leaving, Captain Maffit begs me to express to your excellency his high appreciation of the courtesy with which he has been received in the island of Bermuda.

I have, &c.,
(Signed) NORMAN STEWART WALKER.

[Inclosure 10 in No. 69.]

Governor Ord to Mr. Walker.

MOUNT LANGTON, *July* 23, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, informing me, in reply to the inquiry contained in my letter of the 22d instant, that Captain Maffit is using every effort to proceed to sea with as little delay as possible; and that, although the necessary repairs to the Florida are nearly completed, it is not probable that the coaling will be finished until Friday, and that Captain Maffit would be happy to receive permission to remain in the port of Saint George's until Saturday morning.

Although the instructions of Her Majesty respecting the limitation of the stay in British waters of vessels of war of the Confederate and United States are very stringent, yet, as I have reason to believe that circumstances beyond Captain Maffit's control have obstructed him in procuring the supply of coal and repairs of his vessel, necessary to enable him to proceed to sea, I think I am justified in complying with his request; and I accordingly authorize the Florida remaining in these waters until the morning of Saturday, the 25th instant, but no longer.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

No. 70.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *September* 16, 1863.

SIR: I have laid before Earl Russell your letter of the 11th instant, inclosing copies of a correspondence received from Governor Ord relative to the coaling and repairing of the confederate war-steamer Florida at Bermuda.

I am, in reply, to request that you will state to the Duke of Newcastle that, in Lord Russell's opinion, Governor Ord's proceedings should be approved by the secretary of state.

I am, &c.,
(Signed) E. HAMMOND.

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[112]

* No. 71.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *September* 24, 1863.
(Received September 25.)

SIR: I am directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, the accompanying copy of a dispatch from the governor of Bermuda, relative to the return, gun for gun, by his directions, of the salute of the confederate vessel of war Florida on the occasion of her recent visit to Bermuda.

The opinion to which, in the fourth paragraph of his dispatch, the governor refers in justification of his conduct is that expressed in the second paragraph of your letter of the 15th May last, in the case of the murder on board the Sumter.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 71.]

Governor Ord to the Duke of Newcastle.

BERMUDA, *August* 27, 1863.

1. MY LORD DUKE: I have the honor to inclose to your grace the copy of a dispatch, marked private, under date 7th August, 1863, which I yesterday received from Lord Lyons, Her Majesty's minister at Washington, acquainting me that Mr. Seward, Secretary of State of the United States, had stated to him a few days before that he had heard that a confederate ship had been saluted at Bermuda, and that a painful impression having been created by this intelligence, Lord Lyons would be glad to know what had really occurred. His lordship added that although, from reasons which he assigned, he did not engage to obtain the information Mr. Seward asked, yet it would be useful for him to know whether the confederate flag, or a confederate ship, was in fact saluted at Bermuda, and, if so, under what circumstances; and he accordingly requested me to give him this information in whatever form I might deem most convenient.

2. I have no doubt but that the circumstance to which Mr. Seward referred is the interchange of salutes which occurred between the fort here and the confederate steamer of war Florida, on the occasion of her recent visit to this port, an occurrence which I regret extremely that I omitted to notice when reporting to your grace, in my dispatch of 3d August, the proceedings of this vessel, and the steps I had taken to maintain in her case an observance of that neutrality which Her Majesty's instructions enjoin. The omission was quite accidental, and was due to my forgetfulness. I knew that the return of the salute of a foreign man-of-war was a matter of course, and believing that the Florida was entitled to this designation, I unhesitatingly authorized the extension to her of the usual courtesy; and so little impression did the circumstance make on my mind, that even when writing to your grace respecting the vessel, it entirely escaped my recollection.

3. As, however, I can have no doubt from Lord Lyons's communication that the act will have an importance assigned to it by Mr. Seward which was never contemplated when it occurred, I desire at once to assume all the responsibility which may attach to it, but I beg at the same time to submit to your grace that whatever may be the view taken of it by the United States Government, and whatever the inconvenience to which their view of it may give rise, it was a step which I was not only justified but called upon to adopt in the position in which I found myself.

4. It is laid down in the colonial regulations, paragraph 483, article 3, page 147, that all salutes from ships of war of other nations, either to Her Majesty's forts or ships, are to be returned gun for gun. In the Foreign Office dispatch from Mr. Hammond to Sir F. Rogers, dated 15th May, 1863,[1] covered by your grace's dispatch to

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[1] *Mr. Hammond to Sir F. Rogers.*

[Extract.]

FOREIGN OFFICE, *May* 15, 1863.

I am directed by Earl Russell to state to you that, on the 15th of October last, the senior officer of the confederate steamer Sumter, then lying in the port of Gibraltar, was murdered by Mr. Hester, the only other officer on board.

After consultation with the law-officers of the Crown, it was determined that, as the Sumter was entitled to be regarded as a commissioned man-of-war, the authorities at Richmond should be asked what course they wished should be pursued with the prisoner.

The so-called confederate government stated, in answer, that a confederate ship of war should be instructed to proceed to Gibraltar and bring away the prisoner, but offered the alternative of his being transported in a British ship of war to the Southern States, in order that he might be tried by the confederate tribunals.

It was accordingly decided, after further consultation with the law-officers, and after communication with the admiralty and war department, to send the prisoner to Bermuda in Her Majesty's ship Shannon, and to detain him there pending an arrangement which Lord Lyons has been instructed to make with the United States Government for the prisoner being landed from one of Her Majesty's ships at a confederate port.

Under this arrangement the Shannon left Gibraltar for Bermuda on the 5th instant, having Mr. Hester on board.

[113] me *21st May, 1863, it is also stated that, after consultation with the law-officers of the Crown, it was determined that the Sumter was entitled to be considered as a commissioned man-of-war; I had, therefore, no alternative but to recognize the Florida, which came here as an armed ship, commanded by a commissioned officer of the Confederate States navy, and carrying a pendant, as a man-of-war, and in compliance with the instructions above quoted, to direct, as I did, that if she saluted the fort her salute should be returned gun for gun.

5. I purpose forwarding to Lord Lyons a copy of my dispatch to your grace as the best reply I can make to his lordship's inquiry, and trusting that the explanation I have given of my proceedings, and of the grounds on which they were taken, will be considered satisfactory by Her Majesty's government,

I have, &c.,
(Signed) H. ST. GEORGE ORD.

No. 72.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *September* 28, 1863.

Florida at Brest. Allowed to repair.

SIR: I have laid before Earl Russell your letter of the 24th instant, and its inclosure, relative to the salute returned to the Florida when at Bermuda; and I am directed by his lordship to transmit to you herewith, to be laid before the Duke of Newcastle, copies of a correspondence which has passed on this subject with the War Office,[1] by which his grace will perceive that Lord Russell concurs in the opinion expressed by Major General Sir H. Doyle in regard to this matter.

I am, &c.,
(Signed) E. HAMMOND.

No. 73.

Consul Sir A. Perrier to Earl Russell.

No. 32.] BREST, *August* 26, 1863. (Received August 29.)

MY LORD: Yesterday I sent a telegram to the Foreign Office announcing the arrival of the confederate cruiser Florida, in the following terms:

> Confederate cruiser Florida arrived Sunday; released from quarantine yesterday evening. Met on 21st instant American ship Anglo-Saxon, going from Liverpool to New York. Florida took out crew and burned Anglo-Saxon, whose captain and crew landed here all safe. Her Liverpool pilot protested before me, and proceeds to Havre to-morrow, to be sent home by consul.

I now have the honor to transmit to your lordship a copy of the pilot's protest, alluded to in that telegram, which gives an account of the circumstances attending the capture and destruction of the American ship Anglo-Saxon. The Florida came to Brest to have her engines put in order, nothing having been done to them since she was built in England. Her copper sheathing also requires to be partly renewed.

The commander, Captain Maffit, called upon the vice-admiral, maritime prefet, who informed him that he was at liberty to repair, with the commercial resources of Brest, and to take in coals and provisions.

The commercial resources at Brest are so very limited (there being neither private yards nor dry-docks) that it will be most difficult to repair this ship without aid from the dock-yard.

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[1] Nos. 67 and 68.

I have, &c.,
(Signed) ANTHY. PERRIER.

[Inclosure in No. 73.]

Protest of Evan Evans.

BREST, *August* 25, 1863.

By this public instrument of protest, be it known and made manifest unto all whom it doth or may concern, that on this day, Tuesday, the 25th day of August, 1863, before me, Sir Anthony Perrier, C. B., Her Britannic Majesty's consul for the [114] *departments of Finistère, Morbihan, and Côtes du Nord, voluntarily came and personally appeared Evan Evans, channel pilot, (having] master's certificate,) and residing at Liverpool, who duly entered his protest with me, the said consul, against the commander of the confederate cruiser Florida, and against all others whom it doth or may concern; and, after having been sworn on the Holy Evangelists of Almighty God, the said Evan Evans did depose and declare as follows:

I left Liverpool on Monday, the 17th day of the present month, on board of the American sailing-ship the Anglo-Saxon, of New York, Captain Caverley, of 868 tons burden, laden with coals, and bound from Liverpool to New York. I was engaged to pilot the ship to off Queenstown, Ireland, where I was to be landed.

On the 21st instant, between 4 and 5 in the morning, being becalmed at about twenty-five miles south-southeast of Queenstown, a steamer hove in sight, and very soon after sent a boat with an officer to us. Being the first who spoke to him, I asked the officer what ship it was. He replied, "A confederate man-of-war." He made Captain Caverley go into his boat, took the Anglo-Saxon's papers, and went back to the steamer. In about half an hour the same boat and officer, along with another officer, returned and ordered all hands to get their clothes ready, as they must leave the ship. During nearly two hours the steamer's men were occupied in carrying away all the stores, spars, and provisions, which they took in their own boat and in one of our boats to the steamer. They then set fire to the Anglo-Saxon, and returned to the steamer; on reaching which I was told that she was the confederate cruiser Florida, Captain Maffit. They fired several guns into the Anglo-Saxon, and made way to the southward. Shortly after they spoke an English ship, (the Roger Roball, as well as I could hear,) bound to Quebec, and wanted to put their prisoners on board, but her captain refused to take them.

Several vessels were seen, and it was evident to me that we were crossing the Channel, and steering for the coast of France.

On Sunday morning, the 23d instant, Ushant was in sight at between 8 and 9 o'clock. Signal was made for a pilot, but none came off. Steered for Brest Bay, where the Florida anchored off the town about noon.

All the Anglo-Saxon's crew, except the captain and officers, had been kept in irons from the time of their capture until the ship was anchored in Brest Bay.

The Florida was put in quarantine, from which she was released yesterday evening, when the Anglo-Saxon's crew, twenty-four in number, and myself, were landed and set adrift.

I have no reason to complain of the treatment which I received on board of the Florida; but I solemnly protest, as a British subject, against the captors for having taken me off my ground, detained me on board of the Florida, and landed me in a foreign country, instead of putting me on board of one of the many British ships bound up Channel which passed us, and one of which might have taken me to England.

In testimony whereof, the said appearer has hereunto subscribed his name, and I, the said consul, have granted to the said Evan Evans, pilot, this public instrument under my hand and seal of office to serve and avail him, and all others whom it doth, shall, or may concern, as need and occasion may require.

(Signed) EVAN EVANS.

A true and faithful copy of the original document deposited at this office.
(Signed) A. PERRIER, *Consul.*

No. 74.

Mr. Grey to Earl Russell.

PARIS, *September* 11, 1863. (Received September 12.)

MY LORD: A statement having appeared in the French papers that

Florida at Brest. Received as a ship of war.

the confederate steamer Florida had been seized at Brest on the claim of a ship-owner of Marseilles, M^{r}. Menier, I inquired this morning at the marine department whether it was true. I was told, in reply, that an application for the seizure of the vessel had in fact been made to the minister of marine by several commercial houses at Marseilles on two grounds: First, that the Florida had compelled a French vessel to take some American prisoners on board, and alter her course; and, secondly, that she had destroyed some French merchandise on board an American ship.

The minister of marine declined to entertain the application, and referred the claimants to the minister for foreign affairs, pointing [115] out to them that belligerent rights *having been accorded to the Confederate States, the Florida was entitled to be considered a man-of-war, and consequently could not be seized as was proposed; and further that, as the Government of the United States had not acceded to the third point of the Declaration of Paris, damages could not be obtained for the destruction of neutral goods on board an enemy's vessel. The report of the seizure of the Florida is therefore premature.

I have, &c.,
(Signed) W. G. GREY.

No. 75.

Mr. Hammond to Mr. Bruce.

FOREIGN OFFICE, *September* 23, 1863.

Seamen of Florida at Cardiff. To consult law officers as to prosecuting.

SIR: The attention of Secretary Sir George Grey may have been attracted by paragraphs which have recently appeared in the public papers to the effect that a large body of seamen, forming part of the crew of the confederate steamer Florida, now repairing at Brest, lately arrived from that port at Cardiff, from whence they have proceeded to Liverpool, where, as far as anything has appeared to the contrary, they now are.

It is difficult to disconnect the appearance of these seamen at Liverpool with the suspicion which has been entertained that the iron-clad vessels building by Messrs. Laird are designed for the confederate service, and this circumstance affords additional reason for watching most closely all that takes place in regard to those vessels.

The point to which Lord Russell would now wish more particularly to call Sir George Grey's attention is, whether these seamen, in so far as they may be subjects of Her Majesty, are not liable to be proceeded against for misdemeanor, either as having engaged in hostilities against a state in amity with Her Majesty, or as forming part of a body of persons enlisted in the service of a belligerent engaged in hostilities against such a state; and Lord Russell would submit, for Sir George Grey's consideration, whether the opinion of the law-officers of the Crown should not forthwith be taken on this point, with the view, if it should be in the affirmative, of determining as to the propriety of taking proceedings against any of the parties in regard to whom sufficient evidence can be obtained to bring them within the provisions of the law.

I am, &c.,
(Signed) E. HAMMOND.

No. 76.

Mr. Bruce to Mr. Hammond.

WHITEHALL, *October* 1, 1863. (Received October 1.)

SIR: I have laid before Secretary Sir George Grey your letter of the 23d ultimo, on the subject of the seamen forming part of the crew of the confederate steamer Florida, now at Liverpool; and I am to transmit to you a copy of the opinion of the law-officers of the Crown on a case submitted to them as to the liability of these seamen, in so far as they may be British subjects, to be proceeded against, and also as to the expediency of such a prosecution; and I am to request that, in laying the same before Earl Russell, you will inform his lordship that Sir George Grey has instructed the solicitor to the treasury to ascertain if the requisite evidence can be obtained for such a prosecution.

Seamen of Florida at Liverpool.

I am, &c.,
(Signed) H. A. BRUCE.

[Inclosure in No. 76.]

Opinion.

I am of opinion that, if evidence can be given of the service of any of these seamen (being British subjects) on board the Florida, while engaged in belligerent operations as a ship of war of the confederate States, they may be proceeded against for misdemeanor, under the earlier sections of the foreign-enlistment act, the prohibitions of which are not limited to acts done within the territorial jurisdiction of Her Majesty.

With respect to the expediency of such a prosecution, my impression is that, if sufficient evidence can be obtained against any persons to whom a knowledge that they were violating the law may reasonably be imputed, it would be proper to prosecute [116] such *persons in order to make it understood that such acts are not to be committed with impunity. But, with respect to so large a body of seamen, the prosecution of all would be manifestly inexpedient, even if practicable; and, as they appear to be no longer in the confederate service, the persons (if any) to be prosecuted should be taken from among the most intelligent of those who are reported to "seem anxious to be re-engaged in the service of the Confederate States."

For the attorney general and myself,
(Signed) ROUNDELL PALMER.
LINCOLN'S INN, *September* 28, 1863.

No. 77.

Case submitted to the law-officers as to prosecution of the crew of the Florida.

The following is a copy of a letter received this morning from the Home Office:

Prosecution of crew.

[Immediate.]

WHITEHALL, *October* 10, 1863.

SIR: Referring to the opinion of the law-officers of the Crown, on the case which was submitted to them as to the prosecution of certain seamen forming part of the crew of the confederate steamer Florida, I am directed by Secretary Sir George Grey to transmit to you herewith the several letters which have been received from Messrs. Townsend & Jackson, of Birkenhead, and their inclosures, and to request that you will lay the same before the attorney and solicitor general, and move them to favor Sir George Grey with their opinion, whether the evidence set forth in the inclosed papers—if it can be obtained—will be sufficient to warrant the institution of proceedings against the seamen in question, or any of them.

I am, &c.,
(Signed) H. A. BRUCE.

J. GREENWOOD, Esq., *&c., &c., &c.*

The letters received from Messrs. Townsend & Jackson, of Birkenhead, and their inclosures, are as follows:

BIRKENHEAD, *October* 6, 1863.

DEAR SIR: We inclose a copy of the statement of William Thompson, who was on board the Florida from the 20th October, 1862, to the end of August last, also a list of the fifty-nine of her crew who came to Liverpool, with particulars of the capacities in which they served on board, of the dates of their joining the vessel, and, so far as Thompson knows, of the nations to which they severally belong. We did not think it advisable to press him to-day as to whether any of the crew were being kept here with a view of being put on board any other confederate vessels, as we had not acquainted him with our object in obtaining his evidence, and he began to show some uneasiness as to it. As we are doubtful of his coming into court as a willing witness we put his statement into the form of an affidavit, thinking that if he could be got to swear to the facts now he would be less reluctant to come forward hereafter; but though he assures us of the truth of this statement he declines to swear to it, apparently from some conscientious feeling.

The John Clayton mentioned in the head-constable of Liverpool's report was not on board the Florida, as there stated; and the number of the crew should have been fifty-nine, in lieu of ninety-five.

We are, &c.,
(Signed) TOWNSEND & JACKSON.

The SOLICITOR TO THE TREASURY.

P. S.—*Liverpool*, 6 p. m.—Thompson has returned, and has consented to make the affidavit, which our Mr. Jackson has taken as a notary.

I, William Thompson, of the State of New York, in North America, make oath and say as follows:

I am an American citizen; I have served on board an American ship of war before the present war. I was in Mobile in the State of Alabama when this war broke out, and I [117] * shipped on board the Florida as a landsman, to escape the conscription, receiving a bounty of $50 in confederate notes. I shipped at a regular shipping-office at Mobile, expressly for the Florida, of which J. W. Maffit was captain, on the 16th October, and went on board on the 20th October, 1862. I remained on board until paid off at Brest. After lying at Mobile for three months we ran the blockade, slipping out on a dark night. The moon went down at about 10 p. m., and we then slipped down to the fort and anchored. About 10 a. m. we started again (burning coke) and passed close to some of the Federal ships. When the coke was all burned, we had to use soft coal, which made much smoke, and we were in consequence discovered, and the gun-boat Collier gave chase, following us up to 3 in the afternoon through a heavy head sea. We struck direct from Mobile for Havana, and when three days out burned the brig Estelle, laden with honey and molasses, taking the crew to Havana and landing them there. We stopped at Havana for forty-eight hours and then crept along the coast of Cuba, and within about five or six hours burned the brig Windward from Matamoras. On the same day we burned two more brigs, before we got to a light-house on the coast of Havana, one bound from Philadelphia and the other homeward to Portland. We sighted a steamer early the following morning, and struck then for Nassau for coals, throwing overboard those got from Havana. We stopped at Nassau for about twenty-four hours; twenty-nine men deserted there. We were out from Nassau about six or seven days, and burned the clipper-ship Jacob Bell, of New York. We went into Barbados for coal before meeting any other vessel, and four or five days after leaving Barbados we burned the Star of Peace. The next ship we fell in with was the bark Lapwing, which was captured, and the first lieutenant took command of her, and she was afterward made into a privateer, a field-piece from the Florida being put on board; and the next day we captured the M. J. Colquitt and burned her. We afterwards burned another bark and then went to meet the Lapwing, which we met about 12 o'clock on a Tuesday off Saint Paul's Rock. We took the lieutenant, men, and field-piece off her, and put a midshipman, a master, mate, and seven men on board. We filled up our bunkers with coals, with which she was laden; we then left her and went down the line and burned the Commonwealth, of New York. This was some time about May or June. The next ship was the Oneida, bound to New York with tea. We burned another ship on the line whose name I forget. We then made for Pernambuco and burned a bark of Baltimore, and afterward, in June, captured a brig bound from Rio to Baltimore with coffee and hides, and put Lieutenant Reed, twenty-one men, and one field-piece on board. We then went to Fernanda Rona and lay there five days, waiting for the Alabama, and landed about forty-nine or fifty prisoners; the Alabama did not come there during our stay. We afterward put into Pernambuco for coals, where we shipped some extra hands. We lay there five days, and thence went to an uninhabited island, called Rocas Island, on the coast of Brazil, where we lay about two weeks, waiting for the bark Lapwing; she did not come there, and we went to Serra, a Brazilian port, to coal. Four days out of Serra we burned the Crown Point. The next ship we burnt was the Southern Star, then the Red Gauntlet, the next was Hawkseye; this was coming up toward New York. We afterward captured a schooner and put all the prisoners on board and ransomed her. The next was a ship outward from New York; we ransomed her; this was about August. The next day we sighted an English brig, and while overhauling her the Federal war-steamer Ericsson came up with us and we fired into her, but a fog came on and she got out of my sight. We sighted her again about three miles ahead and gave chase, but she escaped us. We then sighted an American brig and burned her; about two hours after we fell in with a whaling schooner, the crew of which had left in her boats on seeing the burning brig. We afterward ransomed an American passenger-ship, ten days out from Liverpool. We struck out then for the Irish Channel and landed Dr. Garett and Mr. Everett, the first lieutenant, and Mr. Hunter, master mate, about seven miles off the Cove of Cork. We then went to Tuskar, and cruised for two days round Tuskar light. We then left, and about twenty-four hours afterward burned the Anglo-Saxon. We then took the crew and pilot of the Anglo-Saxon into Brest, and there I left the Florida. There may have been more vessels burned and ransomed while I was on board. We were all shipped "for the war unless sooner discharged;" and I, and I believe all the rest of the crew, signed articles to that effect. Strict discipline was maintained on board similar to what is maintained on board a man-of-war, except as to uniform; the discipline was occasionally not so strict, for at times the officers got drunk. All men who joined from other ships joined voluntarily; no compulsion was used. The Florida is a steamer of about 700 tons, and must have been built for war purposes. She was armed with six broadside-guns and two pivots, all rifled, and two field-pieces. She could carry no cargo. [118] * We had forty Enfield rifles and about eighty ten-shooters, also cutlasses and boarding-pikes. The crew was regularly drilled at the guns mostly every day; each gun had its regular crew. The paper now produced to me, and marked A, is a list of the crew of the Florida, who came to Liverpool from Brest, and to the best of my knowledge and belief the particulars contained in it are correct. The persons mentioned in it all served on board the Florida during the time I served in her. She was named the Oreto when I signed the articles.

(Signed) WILLIAM THOMPSON.

Sworn at Liverpool, in the county of Lancaster, this 6th day of October, 1863, before me.

(Signed) WILLIAM JACKSON,
Notary Public, Liverpool.

Discharge.

This is to certify that No. 49, William Thompson, a coal-heaver, has this day been discharged from the Confederate States steamer Florida and from the naval service.

Dated this 2d of September, 1862.

(Signed) JOHN R. DAVIS, *Paymaster.*

Approved.

(Signed) J. W. MAFFIT, *Commander.*

And due August 31, 1863, $129.70, (£27 0*s.* 5*d.*)

Received at Liverpool, this 29th day of September, 1863, the within-mentioned sum of £27 0*s.* 5*d.*, being the balance of wages due to me.

(Signed) WILLIAM THOMPSON.

Witnesses:
(Signed) J. W. CARR.
WILLIAM STONE.

A.—*Crew of the Florida steamship, (gun-boat.)*

Name.	Nation.	Name.	Nation.
Charles Johnson	German.	T. J. Gillick	Irish.
Louis Miller	Do.	L. F. Delisdunne.	Texas.
George Lewis	American.	Richard Wilson	Saint John's, Newfoundland.
John Smith.	Swede.		
Henry Ward	American.	William McCabe	Irish.
John Currin	Ireland.	John McGarrock	Do.
Andrew Patterson	German.	James Weeks	English.
Patrick Considine	Irish.	James Burns	Irish.
Patrick Burns	Do.	John Brown	German or Dutch.
Frederick Brown	German.	John Cherry	American.
Hugh Conway	Irishman.	John Collins	Irishman.
William Thompson	American.	Abe Hurdleboo	American.
William Davis	Dublin.	Dennis Sullivan	Irishman.
Matthew Croel	Liverpool.	James Main	Do.
Edward Quinn	Do.	Jonas Platin	German.
Christopher Ivers	Dublin.	Francis Rivers	American.
Manuel Frietas	Portuguese.	James Hardie	Scotch.
Francis Silva	Brazil.	Charles A. Grover	American.
Thomas Duggan	Irish.	Charles Ballinger	Welchman.
John Fitzgerald	New Orleans.	Henry Anderson	German.
John Donnelly	Irish.	Frank McBride	Philadelphia.
Bernard Good	Liverpool.	John Harrington	English.
Henry Culligan	Irish.	Johannes Weighland	German.
John Gillespie	Scotch.	John Johnson	Do.
James Fagan	Liverpool.	Thomas King	New Orleans.
Thomas Doris	Irish.	Patrick Hardigan	Irishman.
Jacob Leslie	Canada.	Peter Morris	Do.
John Taylor	New York.	Wichael Conley	Do.
Edward Hale	German.	Peter Welsh	Do.
John McNevin	Irish.	Colwin Keating	Kentucky, (Irish parents.)

This is the paper writing marked A, referred to in the affidavit of Luis Müller, sworn before me this 10th day of October, 1863.

(Signed) WILLIAM JACKSON,
Notary Public, Liverpool.

[119] *LIVERPOOL, *October* 7, 1863.

DEAR SIR: We have to-day obtained the following information as to the intention of the men forming the crew of the Florida to reship in some other vessel of the confederates.

It was well understood by all the men who came here from Brest that after they were paid off they would be reshipped, but no particular vessel, so far as at present ascertained, was mentioned. All the men assented. They all, especially the Irish, expressed themselves well satisfied with their treatment on board the Florida, and their readiness to join any other confederate ship. Henry Culligan, (in the list sent yesterday,) in particular, can be proved to have stated his determination to that effect very strongly. No particular expressions have yet been ascertained to have been used by the others, but, with a little time for inquiry, probably might be.

The person who chiefly acted in seeing the men and proposing their reshipment is a clerk in a Liverpool office, of the name of Jones, and, as he told them, they were to be shipped through Mr. Barnett, the shipping agent for the Cunard vessels.

As to the corroborative evidence in support of Thompson's, we understand that no others of the crew at present in Liverpool can be relied on, so far as to make it safe to endeavor to examine them; but a man, named Weigand, (in the list,) who, on the 26th September, went to New York, is expected soon to return, and he, we are assured, may be counted on as a perfectly reliable witness.

We are, &c.,
(Signed) TOWNSEND & JACKSON.

The SOLICITOR TO THE TREASURY.

BIRKENHEAD, *October* 9, 1863.

DEAR SIR: The list annexed to Thompson's affidavit was compiled from information which he furnished, and, though he was in doubt as to the nationality of several of those described as German, he seemed well assured as to all who are described as British subjects. He expressed a doubt as to whether George Lewis, John Cherry, and Francis Rivers were American or English, but as his opinion seemed to preponderate in favor of their being American, we so described them. We did not cross-examine minutely as to his sources of knowledge, as we were much pressed for time in preparing the affidavit, and to-day we have failed to meet with him, in the absence of the detective officer in our employ, who has been called away for the day. We have already been inquiring for admission by the men as to their nationalities, and also as to their having served on board the Florida, and are led to expect we may be furnished with some in the course of a day or two at latest.

We are given to understand that Bernard Good, one of the crew on the list, who is intimate with Thompson, is both able and willing to give evidence; but, as he is stated to have been born in Ireland, though resident since childhood in America, and probably naturalized, we have abstained from examining, or even seeing him, unless specially instructed.

We are, &c.,
(Signed) TOWNSEND & JACKSON.

JOHN GREENWOOD, Esq., *&c., &c., &c.*

P.S.—Thompson is much superior in intelligence to what might have been expected from one holding his position in a ship, and will make a good witness. B. Good, we are informed, is in no way inferior to Thompson.

A further letter has been received this afternoon from the Home Office, of which the following is a copy:

[Pressing.]

WHITEHALL, *October* 12, 1863.

SIR: With reference to my letter of the 10th instant, I am directed by Secretary Sir George Grey to transmit to you herewith a copy of a further letter from Messrs. Townsend & Jackson, relative to the crew of the Florida, and inclosing an affidavit of Luis Müller, one of the crew; and I am to request that you will lay the same before the attorney and solicitor general, in addition to the papers which accompanied my letter of the 10th, and at the same time state that it is thought desirable that [120] all the *crew of the Florida, being British subjects, should be prosecuted if the evidence is sufficient to warrant such a course.

I am, &c.,
(Signed) H. A. BRUCE.

J. GREENWOOD, Esq., *&c., &c., &c.*

The letter from Messrs. Townsend & Jackson, referred to in the above letter, and the affidavit of Luis Müller, are as follows:

LIVERPOOL, *October* 10, 1863.

DEAR SIR: We inclose an affidavit of Luis Müller, one of the crew of the Florida, in which he speaks with some certainty as to the nationality of several of the men.

He tells us that when arrangements were being made by Mr. Jones with the men for future service under the confederate flag, no particular ship was named, but the men were simply told to be in readiness when required, which might be in two or three weeks, and that, in the interval, their expenses would be paid.

We are, &c.,
(Signed) TOWNSEND & JACKSON.

JOHN GREENWOOD, Esq.,
Solicitor Treasury.

I, Luis Müller, of the city of Hamburg, make oath and say as follows:

I am a native of the city of Hamburg and a mariner. I rank as able seaman. I was on a voyage in the American ship Nora, of Boston, bound from Liverpool to Calcutta. After we had been forty-three days out, we were captured by the Alabama, a little to the north of the line. They burned our ship, and put me and the rest of the crew, except the captain and stewardess, in irons. Six of the crew joined the Alabama, but I refused. I and the others of the crew who refused to join were then, about three weeks after we had been taken, put on shore on the island of Fernanda Rona, off the coast of Brazil. I was there nine days, when the Florida put in there. I and two more of the men then joined the Florida, and two days after she left. Mr. Everett, the first lieutenant, engaged us. We signed no articles. Mr. Everett told me that my wages would be $22 a month and $50 bounty, which would be paid at the first southern port we came to. I shipped as an able seaman. I was one of the crew of the maintopmast. We then went on a cruise looking out for American ships.

On the second day after leaving Fernanda Rona, we fell in with the Crown Point, a large American ship, bound to New York. We captured her and burned her, and took her crew on board. Several of them joined us. About a week after this we fell in with the Sunrise packet-ship. We ransomed her and let her go. A day after this we fell in with the Ericsson Federal gun-boat. We gave her a broadside, and she ran off. We chased her, but she outsailed us and got away. The same night we fell in with a small whaling schooner. We took out the crew and burned her. We afterward found another schooner, which had been abandoned just before we burned her.

Several days after this, we came up with the Red Gauntlet, a large ship of New York. We captured her and put a prize crew on board, and put her crew in irons in our ship. We kept her alongside fourteen days, and were taking coals out of her, when we fell in with the Hawkseye, of New York. We took eighty-one bars of silver out of her. We then burned her. About four days after, we burned the Red Gauntlet. Some time after this we fell in with an American ship, the name of which I forget; she had 361 passengers. We ransomed her, and let her go. We cruised about for a long time, and at last got into the English Channel, and cruised there for three days; and then put the first lieutenant, the doctor, and a midshipman, on shore at Holyhead, by a fishing-boat. The evening before, a fishing-smack had been got alongside, for the purpose of landing these gentlemen at Cork; but for some reason or other that was given up, and that smack sent away; and the next morning another smack took them and landed them near Holyhead. While we were in the Channel, about five miles off Lundy Island, we took and burned the Anglo-Saxon, an American ship, outward-bound for New York. The pilot had not left her. We took the crew and pilot on board. We then went to Brest, where we had money given to us to bring us to Liverpool, where we were paid off. The Florida was built and fitted up altogether as a vessel of war. She could not have carried cargo. She had six broadside 68-pounders, and two pivots, fore and aft, 120-pounders; there was a crew of thirteen to each broadside-gun, and twenty-two to each pivot-gun. I was first hand-spikeman to No. 2 broadside-gun. [121] We *had 270 or 280 10-barreled revolvers, several chests of cutlasses, a great number of common and rifled muskets, boarding-spikes, and other arms. I have had the list of the crew read over to me. I remember them all, except John Gillespie. I believe the following to be either English or Irish: John Curran, I believe, is an Irishman; the Irish always kept together a good deal, and the others used to remark upon it, and joke them for it. Curran used to keep with the other Irishmen; and I have heard remarks made upon this habit of theirs, as Irishmen, in his presence. He never said he was not an Irishman; I never heard him say distinctly that he was. Patrick Cassadine, I believe, is an Irishman. I was good friends with him, and he told me his father and mother and sister lived near Limerick; and on Thursday, the 8th instant, he went by an Irish steamer to Limerick to go to see them, as he said. I saw him on board. Hugh Conway, I believe to be an Irishman. I have heard him say, when he and the other Irish were chatting in the berth-deck, "Come, we are all Irish together, let us have a song." William Davis is, I believe, an Irishman; but I have no particular reason for saying so. Thomas Duggan is an Irishman, I believe; he always kept with the other Irish, and would sing songs about Ireland. Henry Culligan is an Irishman. I have heard him talk of going over to Dublin; he always kept company with the other Irish. James Fagan is an Irishman, and is now living with the other Irish in Liverpool. Thomas Doris in an Irishman. I have often heard him talk of Ireland as his country; he had been in a confederate gun-boat before he joined the Florida. John Taylor I always thought was an Englishman; he used to tell me a good deal about England, and especially about London. I thought he belonged to London. John McNevin, I believe, is an Irishman: he talked about Ireland and Dublin. I have heard him say that when the war was over he would go home to Ireland to spend his prize-money. William McCabe is an Irishman. I have heard him talk of going home to Ireland; he was to have gone with another Irishman named McGarrock. McGarrock went to Dublin by steam about a week ago, but McCabe would not go. I have often heard him and McGarrock talk of Ireland as their country. James Weeks is an Irishman. I have heard him talking Irish to the other Irishmen. I think James Burns is an Englishman; he shipped at the same time with myself. When asked by the quartermaster where he had been, he said he had served on board an English man-of-war. He used to talk about Liverpool, and London, and other English towns, and never kept company with the Irish. Francis Rivers is an Irishman; I have heard him say so at Brest, when in a quarrel with some others of the crew. Think Charles A. Grover is an Englishman; he sailed from Liverpool a little time since in an English ship; I do not know on what voyage. Thomas King I believe to be an Irishman; he kept with the Irish, and I have heard him talk about the Irish farmers, and other things about Ireland, as if he had spent a good deal of his life there. I do not know whether he is now in England; I have not seen him for some time. Peter Morris, I think, is Irish ; he always kept with the Irish, and now lodges with them in Liverpool. Peter Welsh is an Irishman ; I have heard him say so often ; he lodges in the same house with me ; he belongs to Dublin. I have been told by several of the men that they have had their names put down by a Mr. Jones, to serve again in the confederate service, and that they must hold themselves in readiness for a week or two. Nearly all those now in Liverpool have, I believe, entered their names. I have not done so, as I do not wish to enter the confederate service again. The paper writing marked A, now produced to me, is the list of the crew of the Florida, before referred to in this affidavit.

(Signed) LUIS MÜLLER.

Sworn at Liverpool, in the county of Lancaster, this 10th day of October, 1863, before me, William Jackson, of Liverpool, notary public, duly admitted and sworn in faith and testimony, whereof I have hereunto set my hand and affixed my notarial seal of office, on the day and year last aforesaid.

(Signed) WILLIAM JACKSON,
Notary Public, Liverpool.

[122] *A.—*List of the crew of the steamship Florida, (gun-boat.)*

Name.	Nation.	Capacity.	Length of service on board.	Date of being paid off.
Charles Johnson	German	Seaman	Taken off the prize Star of Peace some time in May or June, 1863.	In part at Brest on Aug. 3, and the balance at Liverpool Oct. 1, 1863.
Louis Miller	do	do	Taken off a prize by the Alabama, and left at Pernambuco; joined us there about June or July.	Do.
George Lewis	American	do	Taken off prize Crown Point, four days after leaving Pernambuco.	Do.
John Smith	Swede	do	Taken off Crown Point	Do.
Henry Ward	American			
John Currin	Ireland	do	From Crown Point	Not paid; gone to New York.
Andrew Petersen	German	Carpenter's mate		
Patrick Considine	Irish	Landsman	Shipped in Mobile, about ten months	Paid off; Brest and Liverpool.
Patrick Burns	do	Fireman	do	Do.
Frederick Brown	German	do	Shipped in Mobile Oct. 16, 1862	Do.
Hugh Conway	Irish	do	Two weeks after Oct. 16, 1862	Do.
William Thompson	American	Landsman	Shipped Oct. 16, 1862; went on board Oct. 20, 1862.	Do.
William Davis	Dublin	Fireman	Before Oct. 20, 1862, a week	Do.
Matthew Croel	Liverpool, (Irish)	do	With Conway	Do.
Edward Quinn	Lives in Liverpool	do	Mobile, with Conway	Do.
Christopher Ivers	Dublin	do	Shipped Oct. 16, 1862	Do.
Manuel Freitas	Portuguese	do	From Crown Point	Do.
Francis Silva	Brazil	Landsman	Pernambuco	Do.
Thomas Duggan	Irish	do	Mobile	Do.
John Fitzgerald	New Orleans	Boy	Mobile Oct. 16, 1862	Do.
John Donnelly	Irish	Landsman	Mobile	Do.
Bernard Good	do	do	do	Do.
Henry Culligan	do	Seaman	do	Do.
John Gillespie	Scotch	do	Prize Redgauntlet, about Aug. 1, 1863	Not paid.
James Fagan	Liverpool	Seaman, ordinary	Mobile	Paid off, Brest and Liverpool.
Thomas Doris	Irish	Fireman	do	Do.
Jacob Leslie	Canada	Seaman	From Crown Point	Do.
John Taylor	New York	do	Prize Commonwealth	Do.
Edward Hale	German	do	Star of Peace, (prize)	Do.
John McNevin	Irish	do	Mobile	Do.
F. J. Gillick	do	Master-at-arms	do	Do.
S. F. Delisdunere	Texas	Purser's steward	do	Do.
Richard Wilson	Saint John's, Newfoundland	Quartermaster seaman	do	Do.
William McCabe	Irish	do	do	Do.
John McGarrock	do	Gunner's mate, seaman	do	Do.
James Week	English	Quarter-gunner's mate, seaman	do	Do.
James Burns	Irish	Boatswain's mate	Pernambuco	Do.
John Brown	German or Dutch	Seaman, captain of main-top	Mobile	Do.
John Cherry	American	Second captain of forecastle	do	Do.

John Collins	Irishman	First captain of forecastle	do	Do.
Abe Hurdleboo	American	Seaman	Crown Point	Do.
Dennis Sullivan	Irishman	Captain of foretop	In Nassau, about March	Do.
James Main	do	Seaman	Mobile	Not paid.
Jonas Platin	German	do	do	Paid off at Brest and Liverpool.
Francis Rivers	American	Wardroom cook	do	Do.
James Hardie	Scotch	Carpenter	do	Do.
Charles A. Grover	American	Ship's cook	Crown Point	Not paid off.
Charles Ballinger	Welshman	Seaman	Shipped at the first before Thompson	Paid off at Brest and Liverpool.
Henry Anderson	German	do	Mobile	Do.
Frank McBride	Philadelphia	Seaman, ordinary	do	Do.
John Harrington	English	Seaman, able	do	Do.
Johannes Weigand	German	do	do	Gone to New York.
John Johnson	do	do	do	Paid off at Brest and Liverpool.
Thomas King	New Orleans	Landsman	do	Do.
Patrick Hardigan	Irishman	do	do	Do.
Peter Morris	do	do	do	Do.
Michael Curley	do	do	do	Do.
Peter Welsh	do	Seaman	do	Do.
Edwin Keating	Kentucky, (Irish parents)	Landsman	do	Do.

(Signed) WILLIAM THOMPSON.

This is the paper writing marked A, referred to in the annexed affidavit of William Thompson, sworn before me this 6th day of October, 1863.
[L. S.] WILLIAM JACKSON, *Notary Public, Liverpool.*

[123] **Further papers as to the crew of the Florida.*

The following is a copy of a letter received this morning from the Home Office:

[Pressing.]

WHITEHALL, *October* 15, 1863.

SIR: I am directed by Secretary Sir George Grey to transmit to you, with reference to my letters of the 10th and 12th instant, the inclosed letter from Messrs. Townsend and Jackson, inclosing a further affidavit of William Thomson, as to the nationality of such of the late crew of the Florida as are said to be British subjects; and I am to request that you will lay the same before the attorney and solicitor general for their consideration, in connection with the case which you have submitted to them, in pursuance of my letters above referred to.

I am, &c.,
(Signed) H. A. BRUCE.
J. GREENWOOD, Esq.,
&c., &c., &c.

The letter of Messrs. Townsend & Jackson is as follows:

BIRKENKEAD, *October* 14, 1863.

DEAR SIR: We inclose a further affidavit by William Thomson, in which he speaks more accurately than in his former one as to the nationality of such of the late crew of the Florida as are British subjects, and states the grounds of his belief.

We have heard of a man named Littiam, a deserter from the confederate steamer Alabama, who, we are informed, can depose to the fact that two iron-clad rams here, and the chances of their having got to Charleston, were continual and general topics of conversation; and that he was told by the third lieutenant of the Alabama, as a fact, that two iron-clad rams were being built on the Mersey, and one on the Clyde, for the confederate government. We have not considered it necessary to examine him, as his evidence is so remote, but mention it to you to admit of your dealing with him as you think fit. We apprehend that Lattiam is a British subject. We understand that several of the crew of the Florida have left Liverpool since we commenced taking evidence.

We are, &c.,
(Signed) TOWNSEND & JACKSON.
J. GREENWOOD, Esq.,
&c., &c., &c.

The affidavit referred to is as follows:

I, William Thompson, of the State of New York, some time serving as fireman on board the confederate steamer Florida, make oath and say as follows:

With respect to the crew of the said steamer Florida, I say that Patrick Considine has told me that he is an Irishman, and since we arrived in Liverpool that he was going in the Cork steamer to see his friends. I understood from him that he had emigrated a few years ago. I believe that John Curran was an Irishman, from his accent and habits; but I cannot remember that I have heard him admit it. Patrick Burns has told me that he was born in Ireland, and lived for some time in Buffalo, in the State of New York, before he went South. I have heard Hugh Conway say that he was born in Dublin, and that he has lived a long time in East Troy, in the State of New York, where his mother kept a grocer's store. I have had letters from Dublin sent to me to give him relating to the address of his brother in Ireland, as I know from his having told me that he was wanting his brother's address, and after he had received the letters, that he had got to know. William Davis has told me that he was born in Dublin; that he went thence to Liverpool, and afterward emigrated to America. He was in the South when the war broke out, and enlisted and served for twelve months in the Eighth Alabama confederate regiment of infantry, and I saw him, during the term of his service, in the uniform of that regiment, in which he was quartermaster sergent. Matthew Croel has told me that he was born in Liverpool, and that he was of Irish descent. Edward Quinn I believe to be an Irishman from his accent, which is decidedly Irish. [124] He was always spoken of on *board as an Irishman; his father, mother, and brother live in Liverpool. I have seen his father here. Christopher Ivers has told me that he is an Irishman, and I have heard him speak of Dublin as his home. Thomas Duggan has told me that he is an Irishman; when on board the ship, and when cruising off Tuskar light-house, he told me that he was not far from home. John

Donnally, when on board the ship lying in Brest, told me that he was born in Ireland. Bernard Good has told me that he was born in Ireland, and was a citizen of the States, and that he had voted as such. Henry Culligan has spoken of Ireland, as his home in my hearing, and said that he has lived in Liverpool with his wife, and took her to New Orleans, where she died. John Gillespie has told me that he was born in Scotland, and belonged to Glasgow. I have often heard James Fagan talk of Liverpool as his home. Thomas Doris has told me that he was born in Ireland, and that he has lived twenty-one years in the States, and voted for Breckenridge at the last Presidential election. John McNevin has told me that he was born in Ireland. I have heard Gillick, the master-at-arms, speak of Ireland as his home. He appeared very much prejudiced in favor of the Irishmen on board. William McCabe has told me that he was born in Ireland, and when the Florida was cruising off Tuskar light-house he told me that he could almost see his father's house. John McGarrock has told me that he was born in Ireland, and since we returned to Liverpool I started with him to see him off to Ireland in one of the Galway steamers, as he said, to see his friends; but I did not see him on board. James Weeks has told me that he was born in England, and I have heard him say so to others. James Burns and John Collins have an Irish accent, and always sided with the Irish in any dispute; but I do not remember having heard them say that they were Irish. I have heard both Dennis Sullivan and James Main speak of being Irish; their accent is Irish, and they always sided with the Irish. James Hardie has told me that he was born in Scotland, and I have heard him talk of Scotland as his home, and of going there to see his friends. John Harrington has told me that he was born in England, and I have heard him say so to others. I have heard Patrick Hardigan, Peter Morris, and Michael Curly all say that they were born in Ireland, and speak of Ireland as their home. Peter Welsh has told me that he was born in Cork. The above-named persons all served on board the said steamer Florida during the time I served on board of her as aforesaid.

(Signed) WILLIAM THOMPSON.

Sworn at Liverpool, in the county of Lancaster, this 14th day of October, 1863, before me, William Jackson, of Liverpool aforesaid, notary public, duly admitted and sworn. In faith and testimony whereof I have hereunto set my hand and affixed my notarial seal of office at Liverpool, on the day and year last aforesaid,

(Signed) WILLIAM JACKSON,
Notary Public, Liverpool.

The list of the crew mentioned in Müller's affiavit is sent herewith.

The former case submitted to the law officers is also sent herewith.

The attorney and solicitor general are requested to advise Sir George Grey upon the questions asked in Mr. Bruce's letters.

Opinion of the attorney and solicitor general.

We do not think that sufficient evidence has yet been obtained to warrant the institution of proceedings against any of these seamen.

If it were shown that their enlistment on board the Florida had taken place in England, or within British jurisdiction, they might perhaps have been presumed to be natural-born British subjects, owing obedience at that time to British law; so far, at all events, as to make slight evidence, in confirmation of that presumption, sufficient.

Next it appears, by the fourth column of the list annexed to Thompson's first affidavit, that, with two exceptions only, all these men took service on board the Florida beyond the limits of British jurisdiction, and by far the greater number of them at Mobile, within the territory of the Confederate States. With respect to the two, Dennis Sullivan and Charles Ballinger, who are alleged, the one to have enlisted at Nassau and the other to have been shipped at the first, (which we suppose means when the ship first sailed from England,) no evidence whatever has yet been obtained in support of either of these allegations.

In the former report of the law-officers upon this subject, it was noticed that [125] the *first section of the foreign enlistment act, which prohibits the enlistment of British subjects in the belligerent service of any foreign power, is not limited (as the seventh section as to equipping vessels is) to acts done within British jurisdiction; but that it seems to be intended to apply, and is in its literal terms applicable, to all natural-born British subjects who may enter into the service of any foreign belligerent power without Her Majesty's license, wheresoever the prohibited act may be done. Assuming this to be the construction and effect of the statute, we apprehend that it would be impossible to procure a conviction under it, in the case of persons who were not resident within British jurisdiction at the time of their taking foreign service, without strict proof that such persons were in fact, at the time of their doing so, natural-born British subjects, owing exclusive obedience, wherever they might be, to the statute law of Great Britain. And we think it is, at least, very doubtful whether those sections of the statute would be held to be applicable to any persons who were naturalized, or even domiciled, at the time of their taking such service, within the territory of the belligerent power in whose service they enlisted.

Bearing these considerations in mind, we turn to the original depositions of Thompson and Müller, and we find in the former no evidence whatever bearing upon the essential question of the nationality and origin of any of these seamen; while the statements of the latter, as to the seventeen of the thirty-three persons who are described as of British origin in the second column of the lists, depend upon admissions or inferences of so loose a character that we do not think any reliance ought to be placed upon them. So far as they rest only on the deponent's belief, they are inadmissible; so far as they prove that certain individuals associated on board the ship as Irishmen, and sung Irish songs, &c., they are insufficient; and we think it would be unsafe to trust to the statements of this witness as to the admissions said to have been made by some of the parties (as we count them, by seven only, viz, Considine, Conway, Doris, McNevin, McCabe, McGarroch, and Welch) to the effect that Ireland was their home, their country, or the place of residence of their parents. Every one of these seven persons, it is to be remembered, joined the Florida, according to the lists, at Mobile; and it may serve as some test of the value of this kind of evidence, that the same witness makes very similar statements as to four other seamen, (Taylor, Rivers, Grover, and King,) with a view to prove them to be either Englishmen or Irishmen, although they are described as native Americans in the second column of the list referred to in his own affidavit.

The opinion which we had formed, as above expressed, upon the perusal of the original depositions of Thompson and Müller, is strongly confirmed by the subsequent affidavit of Thompson, who in that affidavit speaks of admissions made to him by eighteen of these seamen, to the effect that they were born in Ireland, Scotland, or England; and by six others, to the effect either that they were Irishmen, or that Ireland or Liverpool was their home.

But of these twenty-four persons there are only seven on whose history any further light is thown by these depositions, and every one of these seven appears to have emigrated from Great Britain or Ireland to the United States previous to the existing civil war, under circumstances from which it is *prima facie* to be inferred that at the time when he took service on board the Florida, he was either a naturalized or a domiciled American. Some of them appear to have resided for many years in the United States; and two (Good and Doris) are expressly stated to have acquired the rights of citizens there, and to have voted at presidental and other elections. With respect to the rest of the crew, there is nothing whatever to show that they may not have enlisted under similar circumstances.

As to all persons so situated, we think that it would be a reasonable construction of the foreign-enlistment act to hold that, although they are natural-born subjects of Her Majesty, the word "foreign," which pervades the first section of the statute, is not, as regards them, applicable to the service into which they have entered. And even assuming that this construction might not be admitted, we think that it would not be a proper exercise of discretion on the part of the Crown to attempt to put the statute in force, so far as relates to acts done by persons so situated beyond the limits of British jurisdiction, and within the territory in which such persons may have been naturalized or domiciled.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

LINCOLN'S INN, *October* 20, 1863.

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[126] *No. 78.

Earl Russell to Mr. Grey.

FOREIGN OFFICE, *October* 14, 1863.

Observations by Earl Russell on unfriendly conduct of confederate government in obtaining vessels for war purposes from England.

SIR: Captain Maffit, of the confederate steamer Florida, which arrived at Brest for repairs in the course of last month, appears to have stated in a letter, which was afterward published in Galignani's Journal, that "that corvette has been built and armed by the government of the Confederate States of America; that she flies the pennant borne by vessels of war," and that the officers hold their commissions from the government.

The vessel is understood to have been built by Messrs. Miller & Sons, of Liverpool; to have left this country under the name of the Oreto, and without any proof being obtainable as to the purpose for which she was built, and to have received her armament beyond British jurisdiction. Nevertheless, if the so-called confederate government employ persons within the United Kingdom in such undertakings as building and arming in this country vessels of war to be employed against a power at peace with Her Majesty, it is obvious not only that such persons will render themselves liable, if detected, to the penalties of the law, but that the so-called Confederate States are acting in a most unfriendly manner to Great Britain, by actively endeavoring to induce subjects of Her Majesty to violate the laws of the United Kingdom.

I am, &c.,
(Signed) RUSSELL.

No. 79.

Consul Rainals to Earl Granville.

BREST, *September* 22, 1871. (Received September 25.)

MY LORD: I have the honor to acknowledge the receipt of your lordship's dispatch of the 12th instant, instructing me to furnish you with a report containing all the particulars of which I could obtain information respecting the proceedings at this port of the confederate cruiser Florida, in 1863–'64.

In obedience to your lordship's commands, I have now the honor to report that the Florida arrived in Brest Bay at 11 o'clock on the morning of the 23d of August, 1863; and her commander having declared that she entered the port in order that her engines and copper sheathing might be repaired, and for purposes of general refitting, she obtained free pratique on the evening of the following day.

Captain Maffit, the commander of the Florida, was informed by the admiral of the port, (préfet maritime,) Vice-Admiral Count de Gueyton, that he was at liberty to effect the repairs of the ship and provide her with coal and provisions, the same as any merchant-ship.

Captain Maffit then selected as his agents Messrs. Massurier & Sons; but to this selection an objection was raised by Count de Gueyton, on account of their not being sworn brokers; and, at his suggestion, M. Aumaître, sworn broker and interpreter, was appointed agent.

Later, a M. Puquet du Belley arrived from Paris as the special agent of the Confederate States for France. He, however, did not remain here long, but confirmed the appointment of M. Aumaître.

The commercial resources of Brest proving insufficient to effect the repairs of the Florida, application was made to the port admiral to allow her to enter the government dock-yard, and permission for her to do so was granted, it being stipulated that all expenses should be re-imbursed by the agent, M. Aumaître; and that her powder-magazine should be cleared before entering the dock. To effect the latter operation a government barge was furnished for the purpose of removing the ammunition; and this barge was, later, moored in the bay.

On the 9th of September, 1863, the Florida entered the government dock, and remained there for general repairs for a period of about five weeks.

On the 17th of the same month the Federal corvette Kearsarge put into Brest for a supply of coal; but this appears to have been a pretext, as she took but a small quantity on board. She, however, remained at anchor in the bay, with fires banked, until the 30th of October, when she proceeded to sea, Queenstown being reported as her destination.

[127] *The Federal corvette, however, returned to her anchorage at Brest on the 27th of November, and remained there until the 4th of December, when she again left Brest and cruised off Cherbourg until, as I am informed, her commander ascertained that the confederate vessel Georgia, then repairing at that port, would not be ready for sea for some time; whereupon the Kearsarge returned to Brest Bay, and anchored there on the 11th of the same month.

Meanwhile the Florida had completed her repairs in the dock-yard, and afterward took moorings in the merchant harbor of Brest, where she was slowly refitted. On the 27th of December she was moved to the roadstead and there anchored within half a mile of the Kearsarge.

At half past 1 o'clock on the afternoon of the 29th of December the Kearsarge again left Brest for an unknown destination.

It appears that some of the mechanism of the more heavy guns of the Florida had never been regulated, and her commander desiring to have this done, an application was made to the port admiral for permission to land the guns for the purpose; but this was at once and positively refused, on the ground that such an act might be interpreted as an equivalent to allowing a re-enforcement of arms.

But, it appears, her small-arms were allowed to be landed, in order to be repaired by a gunmaker, of Brest, named Kock; this permission was granted, on the agent, M. Aumaître, giving a guarantee to the authorities of the custom-house that they should be reshipped on board the Florida.

No arms or ammunition were furnished to the Florida while here.

Through M. Aumaître, the agent, I have ascertained that thirty-five seamen claimed and obtained their discharge from the Florida here; that they were, in part, replaced by others, chiefly natives of Belgium, Germany, Italy, and Southern Austria, brought to Brest by railway direct from Paris, in numbers never exceeding four at a time, and that they were quietly sent on board in similar numbers.

The Federal corvette Kearsarge re-appeared in Brest waters on the 3d of January, 1864; and, after steaming about the bay to within a mile of the town, again proceeded to sea.

Left Brest Feb. 9, 1864.

The confederate cruiser Florida being ready for sea, left Brest between 9 and 10 o'clock on the evening of the 9th of February, 1864, in charge of a pilot; and at a distance of about thirty miles from this port passed through the dangerous passage Du Raz, inside the Saints, landing the pilot at Audierne.

On the 18th of February, the Kearsarge, coming from Cadiz, re-appeared in Brest Roads; but her commander, finding that the Florida had left, departed the following day for an unknown destination.

During the stay of these two ships of war in the port of Brest the French ship of the line Louis XIV was placed in a position to watch their movements; the commanding officer having orders, in the event of one of these vessels quitting the port, to prevent the other from leaving until after the expiration of four and twenty hours.

I am informed that the agent, M. Aumaître, paid the authorities of the dock-yard, for repairs to the Florida, 135,000 francs, and that the total sum expended on her here exceeded 300,000 francs, which amounts were later re-imbursed by Mr. Taylor, the paymaster of the ship.

The Florida, on her arrival at Brest, was commanded by Captain Maffit, who was later replaced by Captain Barney, who was again relieved by Captain Morris, under whose command she finally left this port.

In conclusion, I beg leave to state that your lordship's dispatch of the 12th instant, calling for this report, having been received by Captain Clipperton, then acting consul, the day before I took charge of the consulate, he had already collected valuable information on the subject to which it refers; and I am therefore indebted to him for a portion of that furnished in the present dispatch. I would, however, add that, before availing myself of such information, I had it verified by persons competent to do so.

I have, &c.,
(Signed) HARRY RAINALS.

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[128] [Inclosure in No. 79.]

Extracts from the "Ocean" newspaper, published at Brest.

26 *août* 1863.

La corvette mixte américaine confèderée la Florida est entrée en rade dimanche dernier, 23 courant, au matin, sous le commandement de M. Maffit, capitaine de frégate. Ce navire est monté par 123 hommes d'équipage; abord se trouve 24 passagers civils américains. La Florida est partie de Bermuda le 17 juillet dernier; elle a fait escale à Cork (Angleterre ?) le 17 août dernier.

Les 24 passagers qui se trouvaient sur la corvette américaine confèderée Florida ont été mis à terre avant hier soir, abandonnés à eux-mêmes sur la voie publique. M. le consul américaine, ayant été instruit de ces circonstances, s'est aussitôt mis en mesure d'assurer à ces marins le logement et la nourriture jusqu'à ce qu'il ait été statué sur leur sort. Vingt-trois de ces hommes sont Américains du Nord; ils proviennent d'un navire féderal, de 1,900 tonneaux, capturé et incendié en mer, non loin des côtes d'Angleterre, par la Florida. Le vingt-quatrième passager est un pilote anglais, qui se trouvait à bord du navire capturé, afin, dit-on, de l'entrer dans un port d'Angleterre. La Florida, à laquelle la libre pratique a été accordée dans l'après-midi, a quelques avaries dans sa machine et a besoin de charbon.

4 SEPTEMBRE 1863.

[Télégraphie privée.]

PARIS, *le* 3 *septembre* 1863, 5.20 A. M.

À l'occasion de l'entrée à Brest du corsaire confédéré la Florida, conformément au principe du droit des gens, consulté au début de la guerre, l'Empereur, d'accord avec les autres puissances, ayant reconnu aux confédérés le caractère de belligérant, fait connaître son intention d'observer une stricte neutralité. Le gouvernement a décidé que la Florida pourrait se procurer tout ce qui est indispensable pour se maintenir en bon état de navigabilité, mais elle n'est pas autorisée à faire des achats qui tendraient à renforcer son armement de guerre. (Extrait du Moniteur de ce jour, 4 septembre 1863.)

9 SEPTEMBRE 1863.

La Florida a été conduite hier dans le port militaire. Ce bâtiment sera mis au bassin pour y être réparé.

11 SEPTEMBRE 1863.

La frégate confédérée la Florida, en réparation à Brest, vient d'être l'objet d'une saisie conservatoire. Cette saisie, pratiquée à la requête de M. Menier, armateur, est basée sur ce fait, que la Florida, ayant rencontrée en mer un navire appartenant à M. Menier, l'a forcé de prendre à son bord et de transporter à Acapulco des prisonniers des États-Unis du Nord.

14 SEPTEMBRE 1863.

Une correspondance adressée au journal le Nord contient l'exposé d'un incident nouveau qui vient de se produire à propos du corsaire confédéré la Florida.

"Vous savez," dit le correspondant, "que le navire Florida a été saisi conservatoirement, à la requête d'un négociant, M. Menier, de Nantes. Ce qu'il y a de particulier dans cette affaire, c'est qu'en même temps qu'elle soulève une question exclusivement commerciale, elle a motivée une différence d'opinion très-grave entre le pouvoir judiciaire et l'autorité maritime. Après avoir obtenu une ordonnance signée par M. Mer, juge au tribunal de commerce, et après avoir reçu la grosse exécutoire de cette ordonnance, il fit signifier, le 3 septembre courant, à M. le préfet du deuxième arrondissement maritime, un acte dans lequel il lui faisait injonction formelle d'avoir à retenir la Florida dans la rade de Brest, où elle était, et en conséquence à prendre toutes les mesures de précaution nécessaires dans ce but, sans vouloir tenir compte que lui seul donne des ordres dans la rade et qu'elle relève directement de son autorité. M. le préfet a cru devoir refuser cette signification, laquelle a été déposée au parquet dans la forme ordinaire, après quoi, sur la demande de M. Menier, le procureur impérial, par une lettre de 4 septembre, invite le préfet maritime à avoir à prêter main-forte à l'huissier commis par l'ordonnance, dans le cas où le poursuivant voudrait faire saisir la Florida et mettre des gardiens à bord. Par lettre du même jour le préfet déclare ne pas croire devoir intervenir dans les questions de droit privé que les actes particuliers ont pu soulever au sujet de ce navire."

[129] *La question en est là. Nos informations particulières confirment les faits tels qu'ils sont rapportés par le journal le Nord.

16 SEPTEMBRE 1863.

[Télégraphie privée.]

PARIS *le* 16 *Septembre* 1863.

La Florida n'est pas un corsaire, comme on l'avait cru, et fait partie de la marine militaire des États-Confédérés. Les officiers sont munis de commissions regulières.—(Extrait du Moniteur de ce jour, 16 Septembre 1863.)

16 SEPTEMBRE, 1863.

On lit dans le journal le Pays: "On s'est beaucoup occupé de l'opposition faite par le préfet maritime de Brest à la saisie de la Florida. Nous croyons savoir qu'un ordre parti de Paris avait enjoint au préfet maritime d'agir comme il l'a fait pour sauvegarder l'inviolabilité du port militaire."

La France dit que les soixante quinze hommes qui ont débarqués du corsaire confédéré, en ce moment à Brest, sont arrivés en Angleterre, où ils ont pris possession du New Florida, qui poursuit, de la manière la plus active, son armement. Deux frégates du nord, dont l'une est en ce moment, dit-on, à Lisbonne, et dont l'autre aux dernières dates venait de quitter les îles Bermudas, sont attendus à Brest pour donner la chasse à la Florida; mais ce navire, une fois réparé, sera vendu par son capitaine, qui se rendra en Angleterre pour passer avec tout son état-major et tout son équipage sur le New Florida.

18 SEPTEMBRE 1863.

Correspondance particulière.

PARIS *le* 4 *Septembre* 1863.

Une courte note insérée au Moniteur déclare que la Florida, qui se trouve en ce moment à Brest pour reparer ses avaries, n'est pas un corsaire, comme on l'avait cru d'abord. Il fait partie de la marine militaire des États-Confédérés, les officiers sont munis de commissions régulières, et il a tous les caractères d'un navire de guerre ordinaire. Cette note a été fort remarquée, et les partisans du sud ont voulu y voir un symptôme de la prochaine reconnaissance par la France des États-Confédérés. Il est de fait que tout dans la conduite du gouvernement, à l'égard des états séparatistes, fait prévoir une pareille détermination. La France a reconnu au Sud la qualité de belligérant; M. Slidell, l'envoyé du gouvernement de Richmond, a été bien reçu, à titre officieux il est vrai, au ministère des affaires étrangères et aux Tuileries. Le Moniteur dit ce matin que la Florida est un navire de guerre de la marine des États-Confédérés, et il reconnaît que les commissions délivrées aux officiers sont régulières. On voit qu'il n'y a pas loin de là à une reconnaissance de l'existence officielle des États-Confédérés, et qu'il n'y manque—que le mot!

18 SEPTEMBRE 1863.

La corvette américaine Kearsarge, commandée par M. Winslow, capitaine de frégate, est entrée en rade ce matin, venant du Ferrol, Espagne. Ce navire est monté par 165 hommes d'équipage.

21 SEPTEMBRE 1863.

Le capitaine Maffit, qui avait sollicité du gouvernement confédéré d'être relevé de son commandement de la Florida, a obtenu son remplacement et a quitté Brest, il y a quelques jours. D'après l'Index, journal hebdomadaire de Londres, le lieutenant Burnay prendra provisoirement le commandement du célèbre croiseur. La mauvaise santé et le besoin entrevu de repos qu'éprouve le capitaine Maffit, sont cause de sa retraite momentanée du service actif. Le nouveau commandant de la Florida est entré en fonctions jeudi le 17 courant.

25 SEPTEMBRE 1863.

Une corvette américaine du Nord est arrivé à Brest, venant de Madère. Elle est envoyée, avec un autre navire de guerre de la même nation, à la poursuite de la corvette confédérée Florida. Ce dernier bâtiment aura terminé ses réparatures mardi [130] *prochain, et il prendra la mer le lendemain. Il veut, dit le journal La France, se porter au devant de la seconde corvette fédérale en ce moment à Lisbonne et l'attaquer avant qu'elle ait fait sa jonction avec la corvette se trouvant à Brest, qui est occupée à réparer des avaries dans sa mâture.

2 NOVEMBRE 1863.

Le journal Le Phare de la Manche nous apprend que la corvette de guerre américain confédérée la Georgia, Commandant Maury, a mouillé sur rade de Cherbourg le 28 Octobre à midi, venant de Teneriffe, d'où elle est partie le 18 de ce mois. Ce bâtiment, de 800 tonneaux de jauge, et de la force nominale de 200 chevaux à vapeur, a 100 hommes d'équipage et porte 5 canons. La Georgia vient se rentoiler à Cherbourg et y prendre du combustible.

4 NOVEMBRE 1863.

"Il vient de se passer à Brest," dit La France d'avant hier, "un fait intéressant. La corvette à vapeur Kearsarge, de la marine fédérale américaine, envoyée de New York pour combattre le navire confédéré la Florida, tenait depuis quelques jours ses feux continuellement allumés. L'autorité maritime, prévenue de cette circonstance, fit une enquête qui établit que le Kearsarge voulait, en agissant ainsi, avoir toujours de la vapeur, afin de pouvoir se mettre immédiatement à la poursuite de la Florida lorsqu'elle sortirait du port. L'intention qu'avait le commandant de la corvette fédérale étant contraire aux principes de droit international, il en fut donné avis à Paris. La légation américaine reconnut la vérité de cette interprétation, et le Kearsarge reçut l'ordre d'éteindre ses feux, attendu que lorsque deux navires ennemis se trouvent ensemble dans un port neutre ils ne peuvent le quitter qu'à vingt-quatre heures d'intervalle l'un de l'autre. La corvette américaine Kearsarge a quitté le rade de Brest, samedi dernier, 13 Octobre."

9 NOVEMBRE 1863.

La corvette de guerre fédérale américaine Kearsarge, commandée par M. Winslow, capitaine de frégate, est entrée sur rade de Brest venant d'Angleterre. Ce navire, qui porte dix canons de fort calibre, est montée par 160 hommes d'équipage. Le Kearsarge est parti de Queenstown le 5 du courant. La libre pratique lui a été accordée de suite.

28 DÉCEMBRE 1863.

La Florida a été conduite en rade samedi 26, où elle doit faire les essais e sad machine.

6 JANVIER 1864.

Le 3 Janvier la corvette fédérale américaine le Kearsarge est sortie de la rade. Le 4, à 1 heure, la corvette américaine du sud la Florida est également sortie de la rade, mais ce navire est revenu au mouillage à 3 heures et demi.

18 JANVIER 1864.

La corvette fédérale américaine le Kearsarge a mouillé samedi 16 sur rade venant d'Ouessant. On annonce d'autre part que la corvette confédérée Florida aurait fait

savoir à la corvette fédérale Kearsarge qu'elle acceptait le combat à six milles au large des eaux françaises. Cette lutte aurait lieu dans les premiers jours du mois de Février.

20 JANVIER 1864.

La corvette fédérale américaine Kearsarge a repris la mer dimanche, à 2 heures de l'après-midi.

12 FÉVRIER 1864.

La corvette confédérée la Florida a appareillée et pris le large avant hier, 10 Février courant, à 2 heures du matin.

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[131]

* No. 80.

Consul Lawless to Earl Russell.

MARTINIQUE, *Saint Pierre, April* 26, 1864. (Received May 14.)

MY LORD: I have the honor to report to your lordship the arrival at this port of the Florida, a screw-steamer styling herself a commissioned cruiser of the Confederate States of America.

Arrival at Martinique.

The Florida is reported to carry eight guns, and to have a crew of 123 men, composed principally of Italians, Austrians, and Greeks, with a few French, English, and American sailors, mostly volunteers from a captured vessel.

The Florida is commanded by Captain C. M. Morris, who has reported to the harbor authorities here that he sailed last from Ste. Croix, Teneriffe, on the 5th of March, and that his object in calling into this port is to obtain a supply of coals and provisions, which he will be permitted to procure here.

A large number of the crew of the Florida have been allowed to come on shore; they now crowd the streets of this town, and are rather disorderly in their conduct.

It has been elicited from some of these men that the Florida captured but one Federal vessel since leaving Teneriffe. They further state that the vessel in question, which they destroyed, was called the Albion and was on her way from the Chincha Islands to New York, with a load of guano. Her crew, with the exception of four men put on board of a vessel bound for London, are said to have joined the Florida.

I am led to suppose that the Florida's presence here is known to Vice-Admiral Hope, as she was lying in the roadstead this morning when the Duncan passed before this port, as reported in my other dispatch of this day's date.

I shall not fail to make your lordship acquainted with the further proceedings of the Florida during her stay in this harbor.

I have, &c.,
(Signed) WM. LAWLESS.

No. 81.

Consul Lawless to Earl Russell.

MARTINIQUE, *Saint Pierre, May* 9, 1864. (Received May 28.)

MY LORD: Referring to my dispatch of the 26th of April, informing your lordship of the arrival in this port of the steamer Florida, a cruiser of the so-called Confederate States of America, I now beg to report that, after having taken in a full supply of coals, provisions, and water, and having completed some necessary repairs in her machinery, that vessel finally sailed from this port on the 7th instant. Nothing has, of course, transpired as to her destination. On leaving the harbor she steered toward the northwest, but it is generally supposed here that she will be next heard of on the course usually taken by vessels bound from America to the West Indies.

The Florida left behind at this port two of her officers, said to have been invalided, who are to proceed by the present mail to Bermuda. She also lost, by desertion, about six men, who managed to evade, until after her departure, the active steps taken by the local police for their recovery, at the instance of the captain of the Florida. Had it not been for these measures and the aid given by the authorities to secure their apprehension, a much larger number of the crew would have been left at this port.

Some of the men who escaped here from the Florida report that they formed part of the crew of the vessel captured by her after leaving Teneriffe, and it appears that she was called the Avon, and not the Albion, as stated in my previous dispatch. She is said to have been owned by the house of Peabody, of Boston.

A French war-steamer was sent to this port on the morning of the 27th of April, the day following the arrival of the Florida, and she remained here until that cruiser had taken her departure, on the evening of the 7th instant.

I have, &c.,
(Signed) WM. LAWLESS.

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[132] *No. 82.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *June* 15, 1864. (Received June 16.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, a copy of a dispatch from the governor of Bermuda, with its inclosure, reporting the arrival and departure of the confederate screw-steamer of war Florida.

At Bermuda. Officer landed.

I am, &c.,
(Signed) FREDERIC ROGERS.

(Inclosure 1 in No. 82.)

Governor Ord to Mr. Cardwell.

BERMUDA, *May* 14, 1864.

SIR: I have the honor to inform you that the confederate screw-steamer of war Florida anchored off this port yesterday afternoon, and that I received from the commander a communication, copy of which I inclose.

2. The Florida sailed again in the evening.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

[Inclosure 2 in No. 82.]

Lieutenant Commanding Morris, C. S. N., to Governor Ord.

CONFEDERATE STATES STEAMER FLORIDA, OFF BERMUDA,
May 12, 1864.

SIR: I have the honor to inform you that I have called only to land an officer who is anxious to proceed to the Confederate States and to obtain news. As I am only here a few hours I hope you will excuse my calling.

I am, &c.,
(Signed) C. M. MORRIS.

No. 83.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *August* 9, 1864.

[Permission granted to coal and repair.

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, the inclosed copy of a dispatch, in which the lieutenant governor of Bermuda reports a visit from the Confederate States vessel Florida, the grant of permission to her to coal and repair, and the proceedings of the vessel after she had cleared from Bermuda.

Mr. Cardwell will be glad to be informed of the answer which should be returned to the lieutenant governor.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 83.]

Acting Governor Munro to Mr. Cardwell.

BERMUDA, *July* 7, 1864.

SIR: I have the honor to report the following particulars connected with a recent visit to these islands of the Confederate States steamer Florida. On Saturday, the 18th June, the Florida arrived at the outer anchorage, and Commander Morris sent one of his officers to report his arrival and ask permission to take in coal, and permission also to effect some repairs. I was informed that no supplies of coal had been furnished to the Florida in any English port for ten months past, and that it would not be [133] *possible to ascertain the full extent of the repairs necessary until the vessel came into port. I then gave permission for the Florida to be brought into Saint George's Harbor for twenty-four hours, exclusive of Sunday; the vessel came in accordingly on Sunday, and, shortly after his arrival, Commander Morris waited upon me and delivered me a letter asking that the repairs which were found necessary might be carried out at Her Majesty's dock-yard. I immediately transmitted this letter to Vice-Admiral Sir James Hope, who declined to allow any repairs to be carried out in the dock-yard, but offered to send competent officers on board the Florida to ascertain the extent of the repairs necessary. Commander Morris was very glad to obtain the opinion of these officers, and the knowledge was necessary to me, in order that I might judge what time should be granted. The admiral sent the flag-lieutenant, chief engineer, and two assistant engineers on board the Florida, and they reported on the vessel—

1. "She can proceed to sea with such repairs as can be made good here, which, as far as we are able to judge, will require five days for one man, viz, a diver for two days, and a fitter for three days, or three complete days in all.

3. "She can proceed to sea with safety in her present state under steam, but under sail is unmanageable with her screw up in bad weather, and her defects aloft (cross-trees) render maintopmast unsafe. This could be made good in two days."

I consulted personally with Sir James Hope, and gave Commander Morris permission to remain five working days in Saint George's to complete repairs. I also furnished Commander Morris with printed extracts of some portion of the circular dispatch dated the 16th July, 1863, informing him of the regulations under which alone he could be allowed to take in coal. He asserted that Mobile was the first confederate port he expected to visit, and reports that he took in about eighty tons of coal. The five working days expired on the 27th June, and the Florida quitted Saint George's Harbor on that day, but was seen off the island on the following day, and also on the morning of the 29th. I had the advantage of the advice of Sir James Hope until he quitted Bermuda in the Duncan, for Halifax, and our views were completely in accord. During this visit the conduct and demeanor of Commander Morris were all that I could wish, and he appeared very desirous to avoid the least infringement of the instructions laid down in Her Majesty's proclamation. Since that time, however, I cannot think Commander Morris has behaved quite properly. On the 28th June the Florida was seen off the islands all day, and also on the morning of the 29th. Again she was signaled off the south side on the 2d July about 7.30 a. m., and on the afternoon about 4 p. m. I received a verbal message to say that two men, supposed to be deserters, had been found on board, and requested that I would send some persons off to identify them in a steam-tug that was going off to visit the Florida. The departure of this tug was delayed until after sunset, and the fort-adjutant then perceived that she was going to tow out a barge full of coal. This officer immediately told Mr. Black, who is temporarily acting as agent for the Confederate States, that he ought not to take out coal without the governor's permission. Mr. Black then sent me a note of which I inclose a copy, asking for permission to take out fifteen tons of coal to the Florida in consequence of her having returned to Bermuda for the purpose of bringing back the two deserters. To this I immediately replied that I could not sanction any further issue of coal. The fort adjutant was present when my letter was delivered to Mr. Black, and at that moment the tug-steamer started off to the Florida with the barge in tow. Mr. Black stated that she had gone without his orders, and that he would follow her in a gig. This he did, and I am informed that about half the coals had been already taken on board before Mr. Black had arrived in the gig, and the remainder was brought back. The deserter belonging to the royal engineers was placed on board and handed over. It will be observed in Mr. Black's note that he stated the deserters were discovered in twenty-four hours. The Florida remained in sight for at least thirty-six hours after her departure, and the deserter was not landed for five days.

Return to Bermuda.

Request for more coal refused.

Commander Morris never applied to me for permission to take the coal, I suppose, being fully aware that the circular dispatch of the 16th July, 1863, prohibited coal being supplied to vessels such as his, which "had consumed their fuel in cruising," as he had done, in sight of these islands.

Mr. Black, who belongs to the Southern States, states that he sent the coal at the request of Commander Morris. The Florida then immediately left the islands, and has not since been seen.

I beg to annex a copy from the printed extract from the circular dispatch of the 16th July, 1863, which I forwarded to Commander Morris.

I have, &c.,
(Signed) WILLIAM MUNRO.

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[134] *[Inclosure 2 in No. 83.]

Mr. Black to Acting Governor Munro.

SAINT GEORGE'S, *July* 2, 1864.

SIR: The Confederate States steamer Florida, after getting about twenty-four hours' travel from this port, found that there were two men on board whom the captain firmly believes belong to Her Britannic Majesty's army, and as he did not wish to have it said that he had carried off any person belonging to Her Majesty's service, he returned to this port, and has advised me that they are on board, and directed me to come out and get them to be delivered to you. Having, in this endeavor to do Her Majesty a service, lost two days, and the coal consumed during the period, he requests that he shall be allowed to replenish his stock of coal to the amount consumed, (15 tons,) which, with your permission, will be sent to her this evening, and as soon as she has it on board she will leave these waters.

I have, &c.,
(Signed) N. S. WALKER,
Pro Geo. P. Black.

[Inclosure 3 in No. 83.]

Extract from circular dispatch, dated Downing Street, July 16, 1863

With regard to the issue of coal to the war-vessels of the belligerents, I have to state that coal, supplied to a belligerent vessel of war under the "special permission' contemplated in Her Majesty's proclamation, should be issued in no greater quantity than may be necessary to carry such vessel to the nearest port of her own country, (or of course any nearer port,) without reference to the question whether the ports of that country are or are not under blockade. In case of such blockade, it will rest with the officer in command to seek some more convenient destination. If, within the period prescribed by the proclamation, a vessel thus furnished with coal in one of Her Majesty's possessions should apply for a second supply in the same or another colony, the application may be granted if it is made to appear that, owing to real necessities arising from stress of weather, the coal originally given has been prematurely exhausted before it was possible that the vessel could, under existing circumstances, have reached the destination for which she coaled.

But if it should be the case that the vessel has not since taking in coal been *bona fide* occupied in seeking her alleged destination, but has consumed her coal in cruising, the coal should not be replenished under the terms of the proclamation; such a case is not one to which "special permission" referred to in the proclamation was intended to apply.

Her Majesty's government are of opinion that the regulations of the proclamation thus interpreted should be strictly adhered to without any arbitrary concession to either belligerent. It is by such a course that misunderstandings and complaints of partiality will be most certainly avoided. An unauthorized concession to one belligerent, it may be safely assumed, will not be accepted by those to whom it is made as a justification of a similar concession in the opposite direction.

In the event of any Federal or confederate vessel of war coaling at any port of the colony under your government, I have to instruct you at once to communicate to the governors of the several West Indian colonies the name of the vessel, its alleged destination, the date of receiving the coal, and the quantity allowed to be placed on board.

No. 84.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 19, 1864. (Received August 20.)

Complaint of proceedings of Florida at Bermuda.

MY LORD: It is with very great regret that I find myself compelled to call the attention of your lordship to the abuse made of the neutrality of the island of Bermuda by the vessels under the direction of the insurgents of the United States, in making it a base for hostile operations against the commerce of a friendly nation. I have the honor to submit to your consideration the copy of an [135] extract from a report of Mr. Allen, consul *of the United States at that place, to the Secretary of State, in which he makes certain statements respecting the reception there of the gun-boat known under the name of the Florida, and her subsequent proceedings, which appear to be directly in violation of the regulations heretofore laid down by Her Majesty's government. I beg permission to remind your lordship of the remonstrances which were promptly made, a short time since, in the case of one of the vessels of the United States, for proceedings of a far less exceptionable character.

Not doubting the disposition of Her Majesty's government to do full justice in the premises, I pray, &c.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 84.]

Mr. Allen to Mr. Seward.

UNITED STATES CONSULATE AT BERMUDA,
June 30, 1864.

SIR: The Florida, after remaining in port nine days, went to sea last Monday evening, but has not been far from land. She is in sight to-day from the hills, about six miles off. She boards all vessels approaching these islands. She received all the coal and supplies they wanted. The coal was taken from the ship Storm King, C. L. Hobson, of Richmond, agent.

I am, &c.,
(Signed) C. M. ALLEN, *Consul.*

No. 85.

Mr. Hammond to the law-officers of the Crown.

[Immediate.]

FOREIGN OFFICE *August* 22, 1864.

GENTLEMEN: With reference to Mr. Layard's letter of the 13th instant, inclosing papers received from the Colonial Office, relative to the Florida, at Bermuda, I am directed by Earl Russell to transmit to you a note, and its inclosure, from Mr. Adams,[1] in which he represents that the reception of the Florida at Bermuda, and her subsequent proceedings there, appear to be directly in violation of Her Majesty's regulations.

I am directed by Earl Russell to request that you will take Mr. Adams's representation into your consideration, and favor Lord Russell with your opinion thereupon.

I am, &c.,
(Signed) E. HAMMOND.

No. 86.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 22, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, and its inclosure, relative to the proceedings of the Florida at Bermuda, and to inform you that this matter shall have the attention of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 87.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *August* 29, 1864. (Received August 29.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 22d instant, stating that he was directed by your lordship to transmit to us a note, and its inclosure, from Mr. Adams, in which he represents that the reception of the Florida at Bermuda, and her subsequent proceedings there, appear to be [136] directly *in violation of Her Majesty's regulations; and Mr. Hammond was to request that we would take the same into consideration, and furnish your lordship with our opinion thereupon.

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[1] No. 84.

In obedience to your lordship's commands we have taken this case into consideration, and have the honor to report—

That we have already reported separately on the reference made to us in Mr. Layard's letter of the 18th instant. That we think it may be proper to inform Mr. Adams that Her Majesty's government have received advices from the governor of Bermuda on the subject to which his letter refers; from which it appears that, although some disposition was manifested by the commander of the Florida to evade the stringency of Her Majesty's regulations, the most commendable strictness and diligence in enforcing those regulations was shown on the part of the authorities, and that no substantial deviation, either from the letter or from the spirit of these regulations was permitted to, or did, take place.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 88.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 5, 1864.

SIR: In reply to your note of the 19th ultimo respecting the proceedings of the Florida at Bermuda, I have the honor to inform you that Her Majesty's government have received reports on the same subject from Her Majesty's colonial and naval authorities, and that, after due consideration of the same, they are of opinion that although some disposition was manifested by the commander of the Florida to evade the stringency of Her Majesty's regulations, the most commendable strictness and diligence in enforcing those regulations was observed on the part of the authorities, and that no substantial deviation, either from the letter or from the spirit of those regulations was permitted to, or did, take place.

I have further the honor to inform you that Her Majesty's government consider that the conduct of the lieutenant governor of Bermuda on the occasion in question was perfectly proper.

I am, &c.,
(Signed) RUSSELL.

No. 89.

Acting Consul Barnes to Earl Russell.

BAHIA, *October* 13, 1864. (Received November 7.)

Florida seized at Bahia by United States steamer Wachusett.

MY LORD: I have to communicate to your lordship the following occurrence in this port. The confederate navy steamer Florida, Commanding Lieutenant C. M. Morris, entered this port for repairs and provisions, and permission to obtain what she required was granted by the president of this province; but that notwithstanding that the American Consul Wilson and the commander of the United States steamer Wachusett had given their word of honor that no attempt would be made to seize the Florida in Brazilian waters, on the 7th instant, at half-past 3 a. m., the Wachusett's crew boarded the Florida, only about thirty men being left on board the latter, and after a short conflict they captured her and towed her out to sea. No accurate account of the conflict can be obtained, as it was too dark to see anything from the shore, and the three sailors who escaped by swimming give but an incoherent statement of what happened on board the Florida.

The president sent a steamer, a corvette, and a yacht in pursuit, but they could not come up with the Wachusett and Florida, and after a short chase they returned to port.

I have the honor to transmit to your lordships the official paper of this city containing copies of the dispatches interchanged and a statement of the affair.

[137] *The leading merchants of this city have memorialized the Chamber of Commerce of New York, begging the president and directors of the same to suspend any act that might tend to reward the capturers.

(Signed) H. B. BARNES.

(For translation of the correspondence inclosed in the above see inclosures in No. 90.)

No. 90.

Acting Consul Morgan to Earl Russell.

BRITISH CONSULATE,
Rio de Janeiro, October 22, 1864. (Received November 21.)

MY LORD: As Mr. Acting Consul Barnes, of Bahia, informs me that he makes a report to your lordship on the occurrences that took place at that port on the morning of the 7th instant, in relation to the capture of the confederate steamer Florida by the United States war-steamer Wachusett, I shall limit myself by transmitting herewith to your lordship a translation of the correspondence which has taken place between this government and General Webb on that subject, and which correspondence has been published in the Official Gazette.

I have, &c.,
(Signed) JOHN MORGAN, JUN.

[Inclosure 1 in No. 90.]

Extract from Official Gazette of October 15, 1864.

No. 1.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
October 14, 1864.

The imperial government has just been surprised by the receipt of a communication respecting an unqualified fact practiced in the port of the capital of the province of Bahia by the war-steamer Wachusett, of the States of the North American Union, upon which I hasten to call the most serious attention of Mr. James Watson Webb, envoy extraordinary and minister plenipotentiary of the said States.

From the official communication which upon the subject the president of that province has addressed to the imperial government it appears that the steamer Florida, of the Confederate States, was there at anchor in the enjoyment of the neutrality guaranteed by the empire to the belligerents in the deplorable struggle which flagellates the American Union; and the steamer Wachusett, which was also there at anchor, all at once rapidly left her anchorage at 3 a. m. on the morning of the 7th instant, and approached the Florida.[1]

On the Wachusett passing by the poop of the corvette Dona Januaria, from on board this vessel she was intimated to come to an anchor; but as she did not obey this intimation, and continued to approach the Florida, at the same time was heard—from which steamer it is not known—the discharge of a gun and musketry, the commander of the naval division sent an officer in a boat on board the Wachusett to intimate to the respective commander that the vessels of his division and the forts would fire upon him should he attack the Florida.

From on board the Wachusett they would not allow the Brazilian officer on board; but the commander spoke to him from the gangway, saying in reply that he accepted the intimation, that he would do nothing, and that he would return to his anchorage.

The commander of the Brazilian division thought it convenient to ratify this intimation through the means of a gun loaded with ball, upon which succeeded the most complete silence between the two steamers, Wachusett and Florida.

While this was occurring the corvette Dona Januaria, on which the commander of the Brazilian naval division had his ensign displayed, was turned toward the current; the Florida was at anchor on her starboard side and very near the land, and between her and the corvette was the Wachusett motionless upon her paddles.

[138] *The commander of the division observing, notwithstanding the darkness of the night, that the Wachusett, in the position she stood, went on and passed under the stern of the corvette, following by the port side, felt convinced that she was effectively going to resume the anchorage she had left, fulfilling the promise made.

A few moments after, perceiving the Florida moving, the commander of the Brazilian division recognized, although yet dark, that the Wachusett had her in tow through he means of a long hawser.

At sight of so revolting an attempt the commander of the Brazilian division did not hesitate to do all in his power to chastise, without loss of time, the perfidious proceedings of the commander of the Wachusett, and to vindicate the sovereignty and national dignity so grossly and so unnecessarily outraged.

Profiting, however, of the favor of circumstances and time which it was impossible to remove, the said commander avoided the punishment he deserved, and left the waters of Bahia, carrying away the prize of his daring perfidy.

The plain exposition of the fact is sufficient without a doubt to demonstrate all the enormity of the offense against the Brazilian sovereignty and dignity—an offense so much the greater as it was practiced in bad faith, and when between the two countries there existed the most cordial relations of good intelligence and friendship.

Assuredly, then, I do not require to venture upon considerations of an order to place pre-eminently either the importance of the attempt, or the incontestable right which the empire possesses to the most solemn and complete reparation.

I shall only convey to the knowledge of Mr. Webb the aggravating circumstance of the consul of the Union having previously assured, under his word, to the president of the province that the neutrality declared by the empire, as well as its sovereignty, would be respected by the Wachusett, whereas the said consul not only abandoned his consulate, but, as it was reported, sailed away on board of that steamer.

Such was the indignation produced by that attempt on the public feeling in the capital of Bahia, notwithstanding all the preventive measures immediately taken by the authorities, that it was impossible to avoid the outrage which some imprudent men committed early in the morning by lowering the respective coat of arms, an act the imperial government highly deplores and condemns, but for which Mr. Webb will comprehend the authorities cannot with any justice be made responsible in exceptional situations such as the one treated of.

From what has been above stated the imperial government does not hesitate in believing that Mr. Webb will hasten to give it all the assurances that the Government of the Union will attend to the just reclamations of the empire so promptly and so entire as the gravity of the case demands.

I renew, &c.,

(Signed) JOAO PEDRO DIAS VIEIRA.

No. 2.

[Translation.]

LEGATION OF THE UNITED STATES, RIO DE JANEIRO,
October 14, 1864—4.30 p. m.

The undersigned, &c., has the honor to acknowledge the receipt of the note of this date, in which his excellency Senhor João Pedro Dias Vieira, of the council of His

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[1] This is incorrect. The Florida was captured at 3.30 a. m. of the morning of October 7.—*Translator.*

Majesty the Emperor, minister and secretary of state for foreign affairs, calls his attention to an alleged violation of the neutrality of Brazil, and to the offense done to her sovereignty by the commander of the United States corvette Wachusett capturing in the port of Bahia an armed vessel which under the name of Florida calls herself a vessel of war, and which belongs to certain States of the Federal Union, at present and during the last three years in rebellion against the Government of the United States; which vessel, however, the same Government declares has no nationality, and insists that in every respect and to all ends and purposes she is nothing more than a pirate.

The undersigned has no official information relative to the alleged capture and violation of the neutrality and sovereignty of Brazil beyond that contained in the note of his excellency the minister for foreign affairs; but he accepts, however, the exposition made as exact in all its parts, reserving to himself the right to correct any errors which may have escaped in that exposition, as it is a simple report *ex parte* from the authorities of Bahia.

The undersigned, before proceeding to consider the grave international question to which his attention has been called, judges it convenient as an act of justice to [139] his *Government and his country to make a few passing observations relative to the pretension which the people that have rebelled against the Government of the United States should constitute itself effectively as a belligerent power at war against the said Government, and not as a band of traitorous rebels against the Government they owe obedience, of which it always formed a part, and from which neither for the purposes of war or for those of peace they were ever separated. The facts of the case relative to their pretension to form a belligerent power at war with the United States are hereby resumedly exposed.

The great rebellion against the Government of the United States on the part of the meridional population broke out on the 12th April, 1861, and was known in England more or less on the 1st May of the same year. Six days after Lord John Russell, secretary of state for the foreign affairs of England, declared in the House of Commons that the English government would probably recognize our rebels as a belligerent power; and fifteen days after the English government had received the news that a rebellion had broken out in our country—a misfortune to which all nations are subject, and from which neither England or Brazil were exempted—the Queen of Great Britain made proclamation that it recognized the rebels against the Government of Washington as a belligerent power, and possessing the right in all its ports to all the privileges of a belligerent, considering them in every respect equal to those against whom they had rebelled. In one word, England degraded the Government of the United States to the level of those who were in open rebellion against its authority, and elevated our rebels to a position of equality with a powerful nation, with which it had manifested the desire to maintain the most friendly relations, and the most intimate political and commercial correspondence.

That act of the British government was as much a *casus belli* as would have been the acknowledgment of the independence and sovereignty of the so-called Confederate States, and would have unquestionably been so considered had France and other powers not have given their immediate support to the great injustice of England, to which Brazil, as soon as possible, equally gave its sanction and approval.

The undersigned does not pretend to say that by such an act on the part of Brazil she was governed by any hostile sentiment with a neighboring power, always a friendly one, which has always recognized the duty on the part of the governments on the American continent, reciprocally to understand one another for the support of a policy essentially American, distinct from that of Europe. Very possibly such was the mode of proceeding because it was convenient to Brazil, as it has been its custom to act in accordance with the recognized powers of Europe, but nevertheless such a procedure was no less precipitate and ill-inspired, and an act of great and manifest injustice toward a neighboring power who has always been friendly.

It is enough for your excellency to ask yourself what would have been the sentiments of Brazil, in years gone by, after the first disturbances and rebellion in the interior of the empire, had the Government of the United States, without examining the character of that rebellion, ignored its cause or justification, hastened to join or unite itself to the European powers, and to recognize as a belligerent the province under rebellion, elevating its rebels to a position of equality with the imperial government, granting them the same rights in their ports as belligerents, and making them in all respects equal to the government against which they had rebelled?

Without a doubt such a proceeding would have been considered as the most flagrant outrage that a great maritime nation could perpetrate against a weak nation, but always a friendly one, as a just *casus belli*. Unquestionably, Brazil would so have considered it, but not judging it convenient to declare war against the United States for the perpetration of such an outrage, it would have contented itself by representing against such a proceeding, so wanting in friendship as it would have been unjust; and it would have submitted with calmness to an offense, outrage, and injustice it could not repel.

Such is precisely what the United States were obliged to do. They could not declare war to the whole world, and at the same time repress a gigantic rebellion in the interior of the country. If they had so acted they would, on the one hand, have assured the triumph of the rebel; and, on the other, have rejoiced their enemies by the dismemberment of the great American power, so important in its existence toward the spread of constitutional and representative government, and so necessary for the protection of the governments of the American continent against European intervention in their undeniable right to govern themselves as they think best. There is no doubt that the intent of Great Britain in recognizing as belligerents the rebels against the United States—if we consider its principal organs of the press, and the speeches of its greatest statesmen in and out of Parliament as the interpreters of its plans—was to obtain through indirect means what it did not judge prudent to attempt by a more spirited proceeding.

[140] *It had as much right to declare that our Government was annihilated, and the Union broken, by recognizing the sovereignty and independence of our rebels after two weeks' knowledge of the rebellion, as to grant them, through means of a proclamation, the rights of belligerents. It, however, wanted heart to make that declaration in the face of Europe, and to confront the indignation which it would have encountered; and, therefore, in the exercise of its arbitrariness it seized on a measure, well knowing it to be a *casus belli*, because it was well aware we were not in a position to take it up, and which it had no right to suppose, as the rebels did, would be the inevitable dismemberment of the great American Republic.

Great Britain is the first maritime and commercial power in the world. The other nations of Europe, followed by Brazil on this continent, were naturally led to adopt its proclamation, without perceiving its tendency to deliver over the best part of our commerce into the hands of our only commercial rival, without the slightest intention of practicing an injustice against the United States, or of assisting our rebels, or of causing the triumph of the rebellion.

Such, however, was the effect of the unjust policy inaugurated by Great Britain, and without reflection adopted by all the powers of Europe, friends of the United States, and by its constant friend Brazil, on the American continent.

Had it not been for this most unjust proceeding, in one single campaign the rebellion would have ended in the United States.

Had other nations shown toward us the smallest part of civility and tolerance which we have always shown to them, and the same respect for international rights of governments in dealing with rebellion and civil wars as they think best, at least during a reasonable period, without foreign intervention, our rebellion would have been repressed more than two years ago, without the slightest particle of the sacrifices we have been obliged to make, and there would have been no occasion for the undersigned to express the profound regret for the painful occurrence which provoked your excellency's note and has called forth this reply.

The Government of the United States, through the undersigned, protested against the right of Brazil to recognize in our rebels the character of belligerents. The same Government addressed similar protests to each government who were induced to follow the example of England, ignoring its tendency. It said to Brazil and to other friendly powers, "Although vexed and humiliated by your proceeding, we do not accuse you of the intention of injuring me; I am obliged to recognize your act, although offensive and unjust; and I nourish the hope the day is not far off when we may look back upon the past without the slightest thought coming to darken the future."

And particularly to Brazil was the undersigned intrusted by his Government to manifest the greatest good-will, confidence, and friendship, sentiments imperiously demanded by the similarity of their respective constitutions, by the general disposition of their respective people, and by their political duties one toward another, as well as in relation to their neighbors, as they are the two principal governments on the American continent.

Animated by such sentiments toward Brazil, the Government of the United States will be sincerely pained to know that a commander of its Navy, without instructions or authority whatever, took upon himself the responsibility of capturing one of the pirate cruisers of our rebels when at anchor in the port of Bahia; and the undersigned thinks himself authorized to assure your excellency that all reparation which honor and justice demands will be frankly offered, the more frankly and promptly than if the act had been practiced by an American cruiser in the waters of the most powerful maritime nation of the world. But, while so proceeding, the Government of the United States will offer the *amende honorable*, and will say to Brazil that it denies *in toto* to any nation or nations at the breaking out of the rebellion in the dominions of a friendly power, without examination or investigation whatsoever, without knowing or pretending to know the merits of the contest, the right to declare and constitute rebels into a belligerent power, and through a proclamation to constitute them in the ports of the world the equals of the nation against which it had rebelled. It will maintain that, so long as that nationality is not recognized, they cannot give their armed vessels of war the required nationality to their enjoying the character of vessels of war, and that, in consequence, all those vessels are nothing more or less than pirates. It will proclaim, as it has hitherto done, that a vessel built in an English port, by English workmen, with English capital, armed and manned by Englishmen to navigate and fight, which leaves an English port with an English flag, to the end of capturing and destroying the commerce of a friendly power, which is her commercial and political rival, which thus proceeds to capture and destroy the commerce of a friendly power under the ridiculous pretext that it is a vessel of war belonging to the [141] rebels, never having entered a rebel port, is nothing more than a *pirate which the nation, whose commerce it molests, in accordance with all the principles of equity and justice recognized by civilized and Christian communities, has the right to prosecute and destroy in any part of the world.

At the same times the above Government will say to Brazil that, inasmuch as the powers of the world have accorded against it, certainly without intention, and having denied to it the international rights in consequence of that accord, it was obliged for the present to submit to that which it could not resist, as in the case with all nations, inclusive Brazil, of whose injustice it complains. Submitting, therefore, as it does, simply because it is obliged, and recognizing the right of those pirates to enjoy protection in the ports of England and France, simply because it cannot resist, the Government of the United States will not subtract one iota of reparation which under equal circumstances and in its present embarrassed position it would be obliged to give to England.

The Government of the United States, in submitting to the great injustice which is done to it, observes scrupulously the most strict neutrality toward all; and being obliged to recognize in the face of the European powers the new doctrine that in the winking of an eye and the scratch of a pen a rebel of yesterday can be converted into a belligerent of to-day, with all the rights, immunities, honors, and privileges of the power against which it had rebelled; it will also carefully recognize (under protest) the new doctrine in relation to Brazil, and will hasten to give her all reparation for the alleged break of neutrality which occurred in the waters of the empire.

Neither the Government of the United States nor the undersigned are directly or indirectly responsible for the occurrence as dependent on their will. It was not ordered or authorized by the Government of the United States, or by the undersigned, and it will be for his government, as it is for the undersigned, a motive for regret that if such an occurrence had necessarily to take place, that it was not realized in the waters of a power, which, fifteen days after being informed of the rebellion in the United States, joyfully and hopefully raised our rebels to the rank of a belligerent power, an act which its people inflamed, and our rebels considered the most proper to bring upon us all the harm which effectively resulted therefrom, and even more so the dissolution of the American Union.

In replying to your excellency's note, and accepting as facts the exposition in respect to which the undersigned knows nothing, very frankly and sincerely for himself and in the name of his Government under the circumstances which precede, he reproves with all force the capture of the pirate Florida in the waters of Brazil, and desires to reiterate, as he is enjoined in all the dispatches and instructions which are forwarded to him from Washington, his determination to strengthen more and more the ties of reciprocal friendship between the two principal nations of the American continent.

As such are the desires and intentions of both Brazil and the United States, as the undersigned does not doubt, he has not the slightest apprehension that these ends and intentions should be obstructed by the commander of one of their men-of-war, or by the precipitate acts of a people excited at what it considered to be a national affront.

In the perfect conviction that the Government of the United States will promptly do all that is proper to its dignity, and to the honor and dignity of Brazil, the undersigned begs your excellency to excuse the rapidity with which this note is written, and renews, &c.,

(Signed) JAMES WATSON WEBB.

[Inclosure 2 in No. 90.]

Mr. Webb to Senhor Vieira.

[Translation.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 16, 1864.

The undersigned, &c., has the honor to inform his excellency Senhor João Pedro Dias Vieira, &c., that yesterday, the 15th instant, he received, through the consul of the United States in this city, a letter from the consul of the same states at Bahia, which letter is in the following terms. The original is herewith inclosed and must be returned to the undersigned for transmission to his Government:

"ON BOARD THE UNITED STATES STEAMER WACHUSETT,
"*Bahia, October* 5, 1864, 4 p. m.

"DEAR SIR: The rebel steamer Florida is in port; she arrived on the 4th. Captain Collins is also in port; she took in coals, and is ready for any movement on the [142] part of the *Florida, which received permission of five days to take in coals and make some repairs. You will be good enough to communicate the fact of the Florida being here to all the vessels of war of the United States at your port.

"I will communicate to you every other particulars by the first Brazilian steamer. This letter will be carried to Rio by the French vessel of war that leaves this city for the capital in the course of a few minutes.

"Be so good as to inform General Webb, and be certain that all that is possible will be done to put an end to the Florida's career.

"Yours, in haste,
(Signed) T. J. WILSON,
United States Consul.

"Mr. JAMES MUNROE,
United States Consul."

Your excellency's attention is called to the various parts of this letter which the undersigned has sublined, as well as to the date of the same, and the fact of its having been written on board the Wachusett in order to demonstrate without a doubt that our consul, T. J. Wilson, in no manner had taken part in the capture of the Florida, and that he had no knowledge of the intentions of Commander Collins. He advises Consul Munroe that the Wachusett had taken coals, and was ready for any movement on the part of the Florida, and requests that any vessel of the United States in this port should be sent to assist to put an end to the career of the Florida, and finally requests that the consul should inform the undersigned of all these facts, promising by the following Brazilian steamer a full report.

This letter, it must be well had in view, was written on board the Wachusett, at 4 p. m. of the evening previous to the capture of the Florida; and the undersigned is perfectly convinced that the consul ignored the intentions of Commander Collins, and was carried away from his post of duty against his will. It may be said that this letter is the result of an accord between the consul and Commander Collins. Such a supposition may be possible, but from the fact previously communicated to your excellency, that harmony did not exist between the parties in consequence of the complaint made to the undersigned that the commander of the Wachusett refused to communicate to him, on leaving the port, his destination, in order to inform this legation, the undersigned ordered the commander of the Wachusett to give that information, which the latter, however, refused to do. The undersigned also ordered the Wachusett to visit the ports of Rio Grande do Sul, Saint Catherine's, Santos, and Rio de Janeiro in order to prevent the rebel cruisers entering those ports, an order to which he refused compliance. Upon this the undersigned communicated the conduct of Captain Collins to his Government, a conduct which unquestionably would have caused the recall of that officer from the Brazilian station, had he not violated the neutrality of a Brazilian port, as it is alleged he did.

As the dispatch addressed by the undersigned to your excellency on the 14th instant has been published, and as that dispatch carries the impression that the consul of the United States at Bahia was an accomplice in the attempted capture of the pirate Florida, then at anchor at that port taking coal, and undergoing repairs, to enable her to continue her depredations upon the unarmed vessels of a nation in strict amity with Brazil, the undersigned asks it as an act of justice to an employé of the United States, and to prove that the act of Commander Collins was unknown to our consul, that the defense of that employé may be likewise published.

The undersigned, &c.,
(Signed) JAMES WATSON WEBB.

No. 91.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *November* 7, 1864. (Received November 7.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, copy of a letter, dated the 6th instant, from Captain Hand, royal navy, and of its inclosure, from the naval agent in charge of the mails on board the contract packet Magdalena, reporting the circumstances under which the Florida, belonging to the so-called Confederate States of America, was [143] *taken possession of in the port of Bahia on the 7th ultimo, by the United States vessel of war Wachusett.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 91.]

Captain Hand to the secretary to the admiralty.

SOUTHAMPTON, *November* 6, 1864.

SIR: I have the honor to transmit herewith, for the information of the lords commissioners of the admiralty, a report from Commander A. Butler, naval agent of mail-packet Magdalena, detailing the circumstances under which the American confederate steamer of war Florida was taken by the American Federal steamer of war Wachusett, at Bahia, on the morning of the 7th ultimo.

I am, &c.,
(Signed) GEO. S. HAND.

[Inclosure 2 in No. 91.]

Commander Butler to Captain Hand.

MAGDALENA, AT SEA, OFF PERNAMBUCO,
October 16, 1864.

SIR: I have the honor to inform you that on arriving at Bahia with the homeward mails, on the 13th October, I received intelligence that the confederate States cruiser Florida had been seized and towed away from the neutral waters of the port of Bahia at about 3 a. m. on the morning of the 7th October, by the United States steamer of war Wachusett, the American consul at that place taking his departure from the consulate at the same time, on board the Wachusett, without giving any previous notice to the Brazilian authorities of his intended movement.

It appears from the information I have been able to obtain on the subject that the Florida arrived at Bahia on the 4th October, at 9 a. m., the United States steamer of war Wachusett being then at anchor at that port. The Florida was boarded on the morning of the 5th by the Brazilian authorities, and arrangements made for the captain of the Florida to have an interview with the governor during the forenoon of that day. The interview took place, when permission was granted for the Florida to remain in port for forty-eight hours to coal and refit, or a longer time, if necessary for the repairs of the engines, which were to be completed at the government factory; the extra time depending on the report of his government engineer, who had been sent off to inspect the Florida.

Previous to this interview the American consul had an interview with the governor, requesting the Florida to be seized as a pirate, or ordered out of the port, which request was not entertained, and the governor afterward received from the American consul a most solemn promise that no hostile act toward the Florida by the Wachusett should occur in the Brazilian waters, the governor requiring the same pledge from the captain of the Florida on his part toward the Wachusett, which was agreed to.

Under these circumstances, with the assurance and promise of the neutrality of the waters being respected, the captain of the Florida, having first of all, at the suggestion of the Brazilian authorities, moved his ship closer in shore near the port, for better security and convenience of coaling, gave his officers and ship's company leave to go on shore, one watch at a time, and it was during the time the captain, some officers, and about sixty men, were on shore, on the morning of the 7th, at about 3 a. m., being dark at the time, that the Wachusett slipped her moorings, and circling round the bay, steamed in toward the Florida, running into the stern of that ship, carrying away the Florida's mizenmast, and discharging grape-shot from the forecastle gun and musketry along the deck of the Florida, at the same time calling upon them to surrender; the firing was kept up for some little time, and the ships separated, when, after a short parley, the officer in command on board the Florida complied with the demand for surrender; on what terms is not exactly known. The boats from the Wachusett were then sent alongside, and took possession of the Florida, slipping her cable and making a hawser fast round the foremast of the Wachusett, proceeded out of the harbor [144] with *the Florida in tow. This latter part of the information is from the statement of six men out of fifteen who jumped overboard from the Florida when she was being boarded, and succeeded in reaching the shore; the other nine men were supposed to have been shot in the water by men on the forecastle and boats of the Wachusett.

The Wachusett was not observed approaching the Florida by the lookout men on board that vessel until she was close aboard, when the alarm was given, and the crew ordered to quarters. It is supposed that there were several men wounded on board the Florida.

When the Brazilian ships observed the Wachusett approaching the Florida a boat was sent from the senior officer's vessel desiring them to anchor and not to commit any hostile act toward the Florida, otherwise the Brazilian ships would sink her; but no attention appears to have been taken of this threat. The fort fired three blank guns as an alarm, and the corvette D. Januaria a few shots at the Wachusett when steaming away with her prize, every shot, according to the Brazilian account, having taken effect. The Brazilian war-steamer Paracuse, as soon as she could get up steam and receive re-enforcements from the shore, proceeded with the corvette D. Januaria in tow in chase of the Wachusett, and after an unsuccessful cruise of about five hours, returned into port; the Wachusett, with the Florida in tow, proceeding to the northeast, and they were seen to pass off Pernambuco on the 12th October.

Great excitement and indignation prevailed at Bahia respecting this extraordinary occurrence, and the principal mercantile firms at that place have addressed a letter to the Chamber of Commerce at New York, requesting them, under the circumstances, to suspend any act that might tend to reward the captors until a close investigation may have taken place as to the precise means of the capture, as it is supposed that they have offered a reward of $500,000 for the capture of the Florida.

This account I believe to be so far correct, and I am much indebted to Captain Morris, who commanded the Florida, and Mr. Taylor, his purser, for information on the subject. These officers are now on board this ship, taking a passage to Southampton. The remaining officers and men of the Florida, who were on shore at Bahia, proceed to London in an English sailing-ship.

I have, &c.,
(Signed) A. BUTLER.

[Inclosure 3 in No. 91.]

Letter addressed by mercantile firms at Bahia to the New York Chamber of Commerce.

BAHIA, *October* 10, 1864.

GENTLEMEN: Deploring the sad occurrence which has just taken place in this port, the Federal war-steamer Wachusett breaking the neutrality of this empire and capturing and towing out of the harbor the confederate steamer Florida, regardless of all international laws and the common laws of people, disregarding the instructions given them by the authorities of the place, who had the assurance from the American consul that no conflict would take place in their waters; and considering that the said consul appears to be implicated in the same sad occurrence, having abandoned the consulate, and leaving the relations between this port and the United States entirely interrupted to the detriment of the commercial interests of both countries: we, the undersigned, respectfully request the Chamber of Commerce of New York to suspend any act that might lead to reward the captors until a committee be appointed by the same chamber to investigate the subject closely and inform them of the precise means by which the seizure was accomplished, and the detriment thereby securing to the commerce of New York.

(Signed)

No. 92.

Earl Russell to Mr. Burnley.

FOREIGN OFFICE, *November* 10, 1864.

SIR: I inclose a copy received from the admiralty of a report, made by the packet-agent on board the contract steamer Magdalena,[1] of the circumstances under which the confederate steamer Florida was [145] seized, and towed to sea from the port of Bahia, *by the United States ship of war Wachusett, and I have to instruct you to make to me a report as to the facts of this case.

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[1] Inclosure 2 in No. 91.

I am, &c.,
(Signed) RUSSELL.

No. 93.

Lord Lyons to Earl Russell.

WASHINGTON, *November* 29, 1864. (Received December 11.)

Florida run into off Fortress Monroe and sunk.

MY LORD: Telegraphic news has been received at the Navy Department from Admiral Porter that the Florida had been run into by an Army steamer off Fortress Monroe, where she had been brought by the Wachusett, and sunk in nine fathoms water.

I will take the first opportunity of ascertaining what may be the action of the American Government in view of the altered circumstances of the case, and beg to inclose a copy of the official telegram to the Secretary of the Navy.

I have, &c.,
(Signed) J. HUME BURNLEY,
For LORD LYONS.

[Inclosure in No. 93.]

Extract from Daily Morning Chronicle of November 29, 1864.

The following telegram has been received by the Secretary of the Navy:

"FORTRESS MONROE, *November* 28.

"Hon. GIDEON WELLES, *Secretary of the Navy:*

"I have just received a telegram from the commander of the prize steamer Florida, informing me that she had sunk in nine fathoms water. She had been run into by an Army steamer and badly damaged. I have not heard the particulars. Will inform the Department when I receive the written report.

"DAVID D. PORTER,
"*Rear-Admiral.*"

No. 94.

Lord Lyons to Earl Russell.

WASHINGTON, *December* 2, 1864. (Received December 16.)

MY LORD: Your lordship's dispatch of the 10th ultimo instructs me to report upon the capture of the Florida.

Although I was not instructed by this dispatch to ask Mr. Seward for any information about the case of the Florida, yet, not knowing how to obtain any better information here than your lordship would obtain in London, I incidentally alluded to the subject in conversation with Mr. Seward. He said, without hesitation, that he supposed that the statements contained in the newspapers as to main facts were correct. He understood that the consul, Mr. Wilson, and Captain Collins, absolutely denied the allegations of having made representations or given assurances to Brazilian authorities of a treacherous or perfidious character, and Mr. Seward said he believed the consul and the captain were truthful in their denial.

Mr. Seward went on further to say that of course, as I need hardly inform your lordship, the Government had had no previous knowledge of the transaction, and had given no orders authorizing the capture in Brazilian waters. On hearing of it, Mr. Seward addressed a note to General Webb, at Rio, similar in tone and character to that which he usually addresses to foreign governments in cases of unauthorized collision, while waiting for information. A copy of that note has been already furnished to Mr. Adams. No other proceeding has been taken in the case, except that on hearing the Florida had sunk at Hampton Roads, Mr. Seward had directed an investigation as to whether the loss of the vessel was the result of any design or delinquency on the part of any of the military or naval or other agents of the United States. Mr. Seward added that no other proceedings had been had, and the whole subject was reserved for future consideration, with such light as could be thrown upon it by expected communications from Rio.

[146] I * asked Mr. Seward whether I should be at liberty to communicate this to his lordship; he replied that he would not authorize me to communicate it, but the statement was according to facts, and that he was willing that I should make any use of it on my own authority that I should think proper, other than newspaper publication, which was not desirable at the present moment.

I have the honor to inclose an extract from one of the Washington papers, which gives the official correspondence which took place between the American consul and the president of the province of Bahia, and a statement, said to be from Captain Morris, as to the facts of the capture.

In my dispatch of the 28th instant I informed your lordship that the report was incorrect that the Brazilian mercantile body had petitioned the New York Chamber of Commerce to suspend payment of the reward offered; that in fact no reward had been offered by that body.

I beg to inclose likewise the published account as to the circumstances attending the sinking of the Florida.

I have, &c.,
(Signed) J. HUME BURNLEY,
For LORD LYONS.

[Inclosure 1 in No. 94.]

Extract from the World of December 2, 1864.

Previous correspondence between United States consul and Government at Bahia.

THE FLORIDA SEIZURE.—OFFICIAL CORRESPONDENCE.

United States consul to the president of the province.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, October 5, 1864—9 a. m.

SIR: This morning a steamer anchored in this port bearing the flag adopted by those who are involved in the rebellion against the Government of the United States of America, and I am informed that the said vessel is the Florida, which is engaged in capturing vessels navigating under the flag of the United States of America, and in destroying them by making bonfires of them and their cargoes.

The vessel in question is not commissioned by any recognized government whatever, and her officers and crew are composed of persons of various nationalities, who are not subject to any international or civilized law, and are consequently not entitled to the privileges and immunities conceded to vessels navigating under the flag of a civilized nation. I therefore protest, in the name of the United States of America, against the admission of this vessel to free practice, by which she might be enabled to supply herself with coal, provisions, tackle, or utensils of any kind whatever, or receive on board any persons whatever; finally, against any assistance, aid, or protection might be conceded to her in this port, or in any other belonging to this province.

I likewise claim that the piratical cruiser which, in combination with the pirate Alabama, violated the sovereignty of the imperial government of Brazil, by capturing and destroying vessels belonging to citizens of the United States of America, within the territorial waters of Brazil, near the island of Fernando de Noronha, in April, 1863, be detained, with all her officers and crew, in order to answer for so flagrant a violation of the sovereignty of the government of Brazil and of the rights of citizens of the United States within the jurisdiction of the Brazilian government.

I avail, &c.,
(Signed) THOMAS F. WILSON,
Consul of the United States.

His Excellency ANTONIO JOAQUIM DA SILVA GOMES,
President of the Province of Bahia.

Answer of the president of the province.

PALACE OF THE GOVERNMENT OF THE PROVINCE OF BAHIA,
October 5, 1864.

In a note, dated this day, Mr. Thomas F. Wilson, consul of the United States, claims that the steamer Florida, now anchored in this port, shall not be admitted to free [147] *practice, nor obtain permission to provide herself with coal, provisions, supplies, and utensils of any kind whatever, nor receive on board any person whatever; he likewise requests, that as the cruiser, in combination with the Alabama, violated the sovereignty of the imperial government of Brazil, by capturing and destroying vessels belonging to citizens of the United States of America, within the territorial waters of the empire, near the island of Fernando de Noronha, in April, 1863, she may be detained, with all her officers and crew, in order to answer for this flagrant violation of the sovereignty of the government of Brazil and of the rights of citizens of the United States within the jurisdiction of the Brazilian government.

In reply to the consul, I have to inform him that, as the said vessel belongs to the Confederate States, in whom the imperial government recognized the character of belligerents, all the assistance required by humanity may be furnished her, which does in nowise constitute assistance for warlike purposes, as laid down by international law, and does not conflict with that neutrality which this government studiously seeks to preserve, and has always preserved, in the contest between the States of North America. The undersigned cannot, therefore, admit the first portion of the claim of the consul, in the general manner in which it was presented, and particularly in relation to those articles considered as contraband of war in conformity with instructions issued on that subject by the imperial government, and according to which the said vessel will only be permitted to remain in this port for the length of time absolutely indispensable.

In regard to the second part of his note, it is my duty to observe to the consul that, even if it were fully established that the Florida had previously violated neutrality, such a proceeding would scarcely authorize us to refuse her permission to enter the ports of the empire, and would never warrant us to commit the acts required by the consul, which would be equivalent to a hostile rupture, without the intervention of the supreme government of the state, which is one competent to authorize such a rupture.

I renew, &c.,
(Signed) ANTONIO JOAQUIM DA SILVA GOMES.

Mr. THOMAS F. WILSON,
Consul of the United States.

[Inclosure 2 in No. 94.]

Extract from the Daily Morning Chronicle of December 2, 1864.

THE SINKING OF THE FLORIDA—THE CIRCUMSTANCES.—When the Florida arrived in Hampton Roads she was found to be leaking badly. Admiral Porter had her lightened till she rode at anchor with her sheathing above water. On the 19th instant, the transport steamer Alliance collided with the Florida, inflicting serious damage to the forward part of the vessel. This accident increased the leak, and to prevent the occurrence of accidents of a similar nature, the Florida was ordered to anchor off Newport News, where there is less danger from passing vessels. On the 25th instant the Florida proceeded to Newport News, distant nine miles from Hampton Roads. She was leaking at the rate of eight inches per hour, and both steam-pumps were kept continually at work to keep the water from gaining in her hold. This was the state of things till half-past 1 o'clock on Monday morning the 28th, when the engineer of the Florida called up her commander and informed him that one of the steam-pumps had broken down, and the leak was gaining rapidly.

Acting Master Jonathan Baker, in charge of the Florida, at once aroused the crew, rigged his deck-pumps, and made every effort to keep down the leak. The Atlanta, under whose guns the Florida was anchored, was also signaled. Captain Woodward, of the Atlanta, immediately came off with a large part of his crew, to assist in keeping the sinking vessel afloat. Bailing-gangs were organized and set to work, but in vain; the leak gained with alarming rapidity. It was impossible to raise steam sufficient to run her on the beach, as her boilers were built to burn soft or bituminous coal, and the bunkers were filled with hard or anthracite coal, the Government having no other variety of coal at this point, our vessels all consuming anthracite.

At 5 o'clock a. m. the water rose above the grate-bars of the furnaces, extinguishing the fires, and putting an end to the working of the steam-pump. The incoming water now gained perceptibly. Still the officers persevered. At dawn the water covered the berth-deck. The crews, with their luggage, were then placed in the small boats [148] and *taken to the Atlanta. The water stood two feet on the berth-deck when Acting Master Baker abandoned his sinking charge. She finally sunk at half-past 7 o'clock, about a fourth of a mile above the wreck of the Cumberland.

No. 95.

Consul Archibald to Earl Russell.

NEW YORK, *December* 2, 1864. (Received December 16.)

Petition of merchants at Bahia to Chamber of Commerce at New York.

MY LORD: I have the honor to transmit, herewith inclosed, printed extracts from the New York Herald of this day's date, containing a report of the proceedings of the Chamber of Commerce at their monthly meeting of yesterday, in reference to the petition of the merchants of Bahia, on the subject of the capture of the Florida in that port by the United States ship Wachusett.

The reported observations of the members who spoke on the occasion indirectly manifest the irritation and soreness which are felt in this community, as well in reference to the capture of the Florida as her extraordinary disappearance.

I have, &c.,
(Signed) E. M. ARCHIBALD.

[Inclosure in No. 95.]

Extract from the New York Herald of December 2, 1864.

THE CASE OF THE FLORIDA.—A communication from Bahia, Brazil, relative to the capture of the privateer Florida was then read, as follows:

BAHIA, *October* 10, 1864.

"*To the President and Secretary of the Chamber of Commerce of New York:*

"GENTLEMEN: Deploring the sad occurrence which has just taken place in this port—the Federal war-steamer Wachusett breaking the neutrality of this empire, and capturing and towing out of the harbor the confederate steamer Florida, regardless of international laws and the common laws of people; disregarding the intimation given them by the authorities of the place, who had the assurance from the American consul that no conflict would take place in their waters; and, considering that the said consul appears to be implicated in the same sad occurrence, having abandoned the consulate, and leaving the relations between this port and the United States entirely interrupted, to the detriment of the commercial interests of both countries: we, the undersigned, respectfully request the Chamber of Commerce of New York to suspend any act that might tend to reward the capturers until a committee be appointed by the same chamber to investigate the subject closely, and inform them of the precise means by which the seizure was accomplished, and the detriment thereby accruing to the commerce of New York.

"T. W. Herman & Co.
"Johnston, Saunders & Co.
"Johnston, Combert & Co.
"Schram, Wylie & Co.
"Krerbe, Hubbert & Co.
"Simpson, Brothers & Co.
"Oldach and De Haye.
"Decortert & Co.
"Lehman & Co.
"Ryder & Co.
"Yates & Co.
"Schwind, Greenup & Co.
"G. E. Stevenson & Co.
"Harding & Mackay.
"H. De Wissel.
"Millar, Southall & Co.
"Shaw & Perry.
"Samuel M. Frost.
"Hoffman, Laport & Co.
"H. D. Baines.
"Hasselman Brothers.
"Douglas, Latham & Co.
"Jose Yogin, Machado.
"Rido Schlensner.
"Brun & Co.
"Jas. Dwyery.
"G. H. Grinnster & Co.
"Anto. Francisco de Lacendo.
"J. M. Navano.
"Joag. de Loando.
"J. de Benhardt.
"Wilson, Holt & Co.

[149] *"I, H. B. Baines, esq., Her Britannic Majesty's acting consul for this city and province, do hereby certify that the signatures to the foregoing address to the Chamber of Commerce of New York is of the true and proper handwriting of the merchants established in this city.

"An act whereof being required, I have granted this under my hand and seal of office, at Bahia, this 13th day of October, 1864.

(Signed) "H. D. BAINES, *Acting Consul.*"

Mr. A. A. Lowe remarked that this country had more to complain of at the present time than had Brazil. The Florida was a pirate in every sense of the word, and should be dealt with accordingly. England had accorded to the vessel aid and protection, and he would take this opportunity of stigmatizing the injustice of that country in permitting such vessels as the Florida to leave her ports. He was in favor of redressing any wrongs which Brazil might complain of; but our own rights were first to be looked after. Mr. Lowe's remarks were received with warm applause.

General Wetmore made a suggestion that the whole affair should be placed in the hands of a committee.

Mr. Denning Duer spoke against the acceptance of the document by the chamber. This paper, he said, had been signed by the British consul and by English merchants, who had aided the Florida and all vessels of a similar character. It had not been signed by a single Brazilian merchant, and from the similarity of the signature to the entire handwriting he was positive that the British consul had written the document himself. Mr. Duer concluded by expressing the hope that the chamber would not pay attention to the paper.

Mr. Jonathan Sturges and Mr. Bradford also spoke in support of non-acceptance of the communication. The latter gentleman moved to lay it on the table, which motion was adopted.

On motion of Mr. Duer, the resolution to lay on the table was reconsidered.

Captain Marshall then spoke in favor of returning the document.

Mr. Peter Cooper trusted that the affair would be properly arranged. We had troubles enough to look after at the present time.

Mr. Wm. E. Dodge did not agree with Mr. Duer that the entire handwriting of the paper was that of the British consul.

Mr. Duer remarked that the document contained in itself insults to the country and to the Government. The Florida was called a confederate steamer, instead of a rebel privateer. In it complaints were also made against the American consul as to his action at the time the Florida was captured. These facts, he thought, were sufficient to warrant the chamber in returning the document.

Mr. John Reilly expressed the hope that no action would be taken so as to embarrass the national Government.

The following committee was then appointed to take the whole matter in hand, and report to the chamber at its next meeting: Messrs. A. A. Lowe, A. W. Bradford, D. Duer, M. H. Grinnell, and C. H. Marshall.

No. 96.

Lord Lyons to Earl Russell.

WASHINGTON, *December* 13, 1864. (Received December 25.)

MY LORD: With reference to Lord Lyons's dispatches of the 2d and 5th instant, relative to the Florida, I have the honor to inclose an extract from the morning Herald, purporting to give what passed on this subject at one of the sessions of the southern congress.

Proceedings in southern congress.

I have, &c.,
(Signed) J. HUME BURNLEY,
For LORD LYONS.

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[150]

[*Inclosure in No. 96.]

Extract from the New York Herald of December 11, 1864.

THE REBEL CONGRESS.

SENATE.—*Wednesday, November* 30, 1864.

The senate was called to order at 12 m., by Mr. Hunter, president *pro tem.*

Mr. Orr, from the committee on foreign affairs, made a written report relative to the lawless seizure and capture of the Confederate States steamer Florida, in the bay of Bahia, Brazil. The report was accompanied by the following resolutions:

Resolved, That the seizure of the confederate war-steamer Florida by the United States steam sloop of war Wachusett, in the bay of Bahia, on the 7th October last, was a flagrant outrage upon the territorial sovereignty of Brazil, violative of the right of this government in neutral waters, in disregard of the law of nations, and, therefore, wrong done to every civilized maritime power.

Resolved, That it was the duty of Brazil, under the law of nations, to protect the property of the Confederate States, while within its territory, against the hostile acts of every power; and having failed to give such protection, that that government is bound to enforce the restitution, in *statu quo,* of the steamer Florida, by the authorities of the United States to the authorities of the Confederate States, in the bay of Bahia, where it was unlawfully captured.

Resolved, That the president be requested to have communicated to all our commissioners abroad a full statement of the illegal seizure and capture of the Florida, together with the opinion of this government on the outrage, and that said commissioners be instructed to bring the same to the attention of the governments of Europe in which they respectively reside.

The report and resolutions were ordered to be printed.

Mr. Orr also, from the same committee, introduced a joint resolution, authorizing the appointment of a commissioner to Brazil, which was read twice, and placed on the calendar.

The senate resolved into secret session, and upon the reopening of the doors, referred several house bills, and then adjourned.

No. 97.

Lord Lyons to Earl Russell.

WASHINGTON, *December* 23, 1864. (Received January 7, 1865.)

MY LORD: I do myself the honor of inclosing an extract from one of the Washington papers giving the secret instructions issued to the commander of the Florida.

Secret instructions of Florida.

Mr. Seward informs me that they are correct, and that he has seen the originals.

I have, &c.,
(Signed) J. HUME BURNLEY,
For LORD LYONS.

[Inclosure in No. 97.]

Extract from the National Intelligencer of December 22, 1864.

INSTRUCTIONS TO REBEL CRUISERS.

The secret instructions to the commander of the rebel privateer Florida.

The following confederate documents have now, for the first time, been made public, having been received at the Navy Department in the safe of the Wachusett:

"PARIS, *January* 25, 1864.

"SIR: When the Florida, now under your command, is ready for sea, you will sail on a cruise against the enemy's commerce.

"Your position is an important one, not only with reference to the immediate results to the enemy's property, but from the fact that neutral rights may fre- [151] quently *arise under it. Reliance, however, is placed in your judgment and discretion for meeting and promptly disposing of such questions.

"Since the sailing of the Sumter on her very successful cruise, Federal owners of ships and cargoes have adopted the practice of placing them under British protection, and this may at times cause you embarrassment. The strictest regard for the rights of neutrals cannot be too sedulously observed; nor should any opportunity be lost in cultivating friendly relations with their naval and merchant services, and of placing the true character of the contest in which we are engaged in its proper light.

"It is not deemed advisable to too rigidly prescribe your cruising-ground. You are recommended, however, to cover a large field of action; beginning on the equator, between the longitudes 18° and 28°, to intercept the vessels that may be on their return from California and the East Indies. About the 1st April make for the northern coasts of the confederacy—say in the neighborhood of Cape Hatteras—where you will most likely fall in with transport vessels carrying supplies of provisions, men, and munitions to their stations in North and South Carolina.

"Having made your mark in that region, it will be well, if circumstances permit, to make a dash on the New England coast, taking care not to be caught too near the enemy's coast on a short allowance of fuel.

"You will not hesitate to assume responsibility whenever the interests of your country may demand it; and should your judgment ever hesitate in seeking the solution of any difficulty, it may be aided by the reflection that you are to do the enemy's property the greatest injury in the shortest time.

"Authority is vested in you to make acting appointments to fill any vacancies that may occur.

"You will communicate with your government as frequently as possible, through any safe channel that may offer, always taking care to use the cipher agreed upon in any word that might betray what you desire to conceal.

"The maintenance of strict naval discipline will be essential to your success, and you will enjoin this upon your officers, and enforce its rigid observance, always tempering justice with humane and kind treatment.

"I am, &c.,
(Signed) "S. BARRON, *Flag Officer.*

"Lieutenant Commander CHAS. M. MORRIS, C. S. Navy,
"*Confederate Steamer Florida, Brest, France.*"

"CONFEDERATE STATES OF AMERICA,
"*Navy Department, Richmond, June* 2, 1864.

"SIR: Your letter, without date, was delivered by Mr. Averitt. His condition of health rendering his return to duty at once impracticable, Lieutenant Porter has been ordered to report to you as early as practicable at Saint George's for duty as executive officer. The following engineer officers, who go with him, will also report to you: Chief Engineer Wingfield S. Thompson, C. S. N.; First Assistant William Ahern, C. S. N.; Second Assistants Charles H. Collier and John B. Brown, C. S. N.

"For cruising-funds you are authorized to draw at twenty days upon Commander J. D. Bullock, (care of Fraser, Trenholm & Co., Liverpool,) to the extent of $50,000, in such sums as you may from time to time require, notifying him of such drafts.

"The original of your letter without date is written in cipher. When you again have occasion to resort to it you will observe the following change: After writing it place a figure (any) to the left of the first word in cipher; place two figures (any) to the right of the second word in cipher; three figures (any) to the left of the third word; four figures (any) to the right of the fourth in cipher; and then, with the fifth word in cipher, begin with one figure to the left, and so on, as before. Inclosed I return a copy of a portion of your letter in cipher, with the figures thus added, in order to illustrate the change.

"Lieutenant Averitt apprises me of your intention to cruise near the mouth of the Mississippi. I doubt not that a dash there might do good service; but, with the enemy's means of intercommunication, any delay in that vicinity would bring his fast cruisers upon your track. The only passes to and from the Gulf of Mexico, be-
[152] tween Honduras *and Cuba on the one side and Florida and Cuba on the other, would be occupied by them.

"Apalachicola and Saint Mark's are each blockaded by one steamer—a side-wheel—and should you deem it advisable you might perhaps capture them, send them into Saint Mark's under priz-crews, and leave the Gulf at once.

"A dash at New England commerce and fisheries has always seemed to offer peculiar attractions, as you will see by the instructions to your predecessors, on referring to them.

"The practice of placing their commercial vessels under foreign flags, to avoid capture, has become very general with Federal ship-owners, and requires increased vigilance on our part to detect and defeat it. With an earnest desire to treat with all proper respect the rights of neutrals, this practice is an abuse of neutral flags which justice to them, no less than to our own, calls upon us to correct; and in all cases where the voyage, the build, the officers and crew, or the papers, create suspicion of colorable transfer for this purpose, you will not hesitate to scrutinize closely, and act upon your judgment. It is represented that the Brazilian flag is generally used fraudulently to cover American shipping between Brazil and the United States.

"With earnest wishes for the welfare of yourself and crew, and the success of your cruise, I am, &c.,

(Signed) "S. R. MALLORY,
"*Secretary of the Navy.*"

"Lieutenant C. M. MORRIS, C. S. N.,
"*Commanding Confederate States Steamer Florida, Saint George's, Bermuda.*"

No. 98.

Lord Lyons to Earl Russell.

WASHINGTON, *January* 2, 1865. (Received January 17.)

Correspondence between United States and Brazil. Seizure of Florida at Bahia disavowed.

MY LORD: With reference to my dispatches of the 28th and 29th of November last on the subject of the capture of the Florida, I have now the honor to forward to your lordship copies of the published official correspondence which has passed between Mr. Seward, as Secretary of State, Mr. Webb, the United States minister at Rio Janeiro, and M. Barboza, the Brazilian chargé d'affaires.

Due reparation seems to have been given to Brazil for this act by the suspension of Captain Collins, the dismissal of the consul at Bahia, and the salute of the Brazilian flag.

Mr. Seward has likewise determined that the crew of the Florida, whom, with his well-known ideas of belligerents and pirates, he calls "enemies of the human race as they contend," shall also be set at liberty to run the chance of being recaptured when beyond the jurisdiction of this government.

I have, &c.,
(Signed) J. HUME BURNLEY,
For LORD LYONS.

[Inclosure in No. 98.]

Extract from the Daily Morning Chronicle of December 31, 1864.

THE CAPTURE OF THE FLORIDA.—IMPORTANT OFFICIAL CORRESPONDENCE.

Mr. Seward to Mr. Webb.

DEPARTMENT OF STATE,
Washington, November 11, 1864.

SIR: In the years 1862 and 1863, remonstrances were addressed by us to the government of Brazil against the policy, different as it was from that of all other American states, in regard to the furnishing of shelter and a haven to pirates who were engaged in depredating upon the peaceful commerce of the United States. The correspondence came to a close without having produced any satisfactory result, and not without leaving a painful presentiment that a continuance of measures so injurious to the United States would sooner or later affect the harmonious relations heretofore existing between the two countries.

We have just now heard of the capture of the Florida by the Wachusett, at [153] *Bahia, and of the consequent hostilities adopted by the Brazilian forces in that port; but we have no particular information of the circumstances which preceded the collision, and our information concerning the transaction itself is incomplete. At the same time, we are absolutely without knowledge of any correspondence that it may have elicited between yourself and the Brazilian government.

In this stage of the matter the President thinks it proper that you should inform the minister of foreign affairs that we are not indisposed to examine the subject upon its merits carefully, and to consider whatever questions may arise out of it, in a becoming and friendly spirit, if that spirit shall be adopted by His Imperial Majesty's government.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., *Brazil.*

M. Barboza to Mr. Seward.

[Translation.]

IMPERIAL LEGATION OF BRAZIL, WASHINGTON,
December 12, 1864.

The undersigned, chargé d'affaires *ad interim* of His Majesty the Emperor of Brazil, has just received orders from his government to address himself, without delay, to that of the United States of North America about an act of the most transcendent gravity done on the morning of the 7th day of October last, in the port of the capital of the province of Bahia, by the war-steamer Wachusett, belonging to the Navy of the Union, an act which involves a manifest violation of the territorial jurisdiction of the empire, and an offense to its honor and sovereignty.

On the 4th day of the month referred to, there entered that port, where already had been lying for some days the Wachusett, the confederate steamer Florida, for the purpose, declared by her commander to the president of the province, to supply herself with alimentary provisions and coal, and to repair some tubes of her machinery.

The president, proceeding in accordance with the policy of neutrality which the empire resolved to adopt on the question in which unfortunately these States are involved, and in conformity with the instructions in this respect issued by the imperial government on the 23d of June of the year last passed, assented to the application of the commander of the Florida, and fixed the term of forty-eight hours for taking in supplies, and fixing, in dependence on the final examination by the engineer of the arsenal, the determination of the residue of the time which, peradventure, should be deemed indispensable for the completion of the repairs.

The same authority at once took, with the greatest impartiality, all the measures necessary to avoid any conflict between the two hostile steamers.

The Florida was placed under cover of the batteries of the Brazilian corvette D. Januaria, on the inshore side, at the request of her commander, who, reposing on the faith with which, without doubt, the chief authority of the province could not fail to inspire him, considered himself sheltered from any attack of his adversary, and in this confidence not only staid a night on shore, but gave liberty to a great part of the crew of his vessel.

It behooves me to say that, as soon as the confederate steamer entered the port at Bahia, the American consul, Wilson, addressed to the president a dispatch claiming that the Florida should not be admitted to free pratique, and that on the contrary she should be detained, alleging for this, that that vessel had, in concert with the Alabama, violated the neutrality of the empire by making captures in 1863, near the island of Fernando de Noronha.

Such exaggerated pretensions, founded on facts not proven, which had already been the subject of discussion between the imperial government and the legation of the United States, could not be even listened to.

If the president should have refused the hospitality solicited by the commander of the Florida, he would have infringed, not only the duties of neutrality of the empire, but also those of humanity, considering that steamer, coming from Teneriffe, had been sixty-one days at sea, was unprovided with food, and with machinery in the worst condition.

Afterward, the president having stated to the same consul that he hoped, from his honor and loyalty toward a friendly nation, that he would settle with the commander of the Wachusett that he should respect the neutrality and sovereignty of the empire, he was answered affirmatively, the consul pledging his word of honor. Things [154] were in *this condition, the term of forty-eight hours being to expire at 1 o'clock of the afternoon of the 7th, when, about dawn of that day, the commander of the steamer Wachusett, suddenly leaving his anchorage, passed through the Brazilian vessels of war and approached the Florida.

On passing across the bows of the Brazilian corvette D. Januaria, he was hailed from on board that he must anchor; but, as he did not attend to this intimation, and continued to approach the Florida, at the same time firing a gun and some musketry, the commander of the naval division of the empire stationed in those waters sent an officer to board the Wachusett and inform her commander that the ships of the division and the forts would open fire upon her if she should attack the Florida. The Brazilian officer was not allowed to make fast to the Wachusett, but the officer of the deck hailed him, saying in reply that he accepted the intimation given, that he would do nothing more, and that he was going to return to his anchorage. The commander of the Brazilian division then thought proper to ratify his intimation by firing a gun, upon which a complete silence followed between the two ships Wachusett and Florida.

At the time this was passing, the corvette D. Januaria, on board which the commander of division had hoisted his flag, lay head to flood, the steamer Florida anchored B. B., side by side of her, and quite close to the shore, and between her and the corvette the Wachusett stopped her wheels.

The commander of division then observing—notwithstanding the darknesss of the night—that the Wachusett, from the position in which she was, kept moving onward and was passing ahead of the corvette, in a course E. B., became convinced that, in fact, she was steering for her anchorage, thus complying with the promise made.

But a few moments afterward, perceiving that the Florida was in motion, the commander discovered that the Wachusett was taking her off in tow by means of a long cable.

Surprised at such an extraordinary attempt, the commander immediately set about stopping this, and redressing, at the same time, as behooved him, the offense thus done to the dignity and sovereignty of the empire.

But availing himself of the darkness of the night, and of other circumstances, the commander of the Wachusett succeeded in carrying his prize over the bar, and escaping the just punishment he deserved.

The consul, Wilson, preferred to abandon his post, withdrawing on board the Wachusett.

The government of His Majesty, as soon as it had official information of the event, addressed to the legation of the United States, at Rio Janeiro, a note, in which, giving a succinct exposition of the fact, it declared that it had no hesitation in believing it would hasten to give to it all proper assurances that the Government of the Union would attend to the just reclamation of the empire as promptly and fully as the gravity of the case demanded.

In correspondence with this expectative note, the worthy representative of the United States was prompt in sending his reply, in which he declares he is convinced that his Government will give to that of the empire the reparation which is due to it.

Such are the facts to which the undersigned has received order to call all the attention of the Hon. William H. Seward, Secretary of State of the United States.

The principles of international law which regulate this matter, and in respect of which there is not the least divergence among the most distinguished publicists, are common and known to all. The undersigned would fail to recognize the high intelligence of the Hon. Mr. Seward if, perchance, he should enter in this respect into fuller developments.

He limits himself then only to recall a memorable example, in which these principles, invariably sustained by the United States, had entire application. In 1793, the great Washington then being President of the United States, and the illustrious Jefferson Secretary of State, the French frigate l'Embuscade captured the English ship Grange in Delaware Bay, thus violating the neutrality and the territorial sovereignty of the United States. The American Government remonstrated energetically against this violation, and required from the government of the French republic not only the immediate delivery of the captured vessel, but also the complete liberation of all the persons found on board. This reclamation was promptly satisfied. Much more grave, certainly, is the occurrence in the port of the province of Bahia, which makes the subject of the present note. By the special circumstances which preceded and attended it, this act has no parallel in the annals of modern maritime war.

The commander of the Wachusett not only gravely offended the territorial immunities of the empire, passing beyond the laws of war by attacking treacherously, [155] *during the night a defenseless ship, whose crew, much reduced, because more than sixty men were on shore, with the commander and several officers, reposed unwary beneath the shadow of the protection which the neutrality of the empire guaranteed to them; and so open was the violation, so manifest the offense, that the enlightened American press was almost unanimous in condemnation of the inexcusable proceeding of Commander Collins.

On this occasion, remembering the United States, whose antecedents are well known and noted in history by the energetic defense of and respect for neutral rights, of these unshaken principles, the undersigned cannot consider the event which occurred at Bahia otherwise than as the individual act of the commander of the Wachusett, not authorized or approved by his government, and that it will consequently give to the government of His Majesty the Emperor the explanations and reparation which, in conformity with international laws, are due to a power which maintains friendly and pacific relations with the United States.

The just reclamation of the imperial government being thus presented, the undersigned awaits the reply of the Hon. Mr. Seward, and, fully confiding in his exalted wisdom, and in the justice of the Government of the United States, he has not even for a moment doubted but that it will be as satisfactory as the incontestable right which aids the empire, and the vast gravity of the offense which was done to it, may require.

The undersigned, &c.

(Signed) IGNACIO DE AVELLAR BARBOZA DA SILVA.

His Excellency the Hon. WILLIAM H. SEWARD.

Mr. Seward to M. Barboza.

DEPARTMENT OF STATE,
Washington, December 20, 1864.

SIR: I have the honor to acknowledge the receipt of your note, which sets forth the sentiments of the imperial government of Brazil concerning the capture of the Florida by the United States war-steamer Wachusett, in the port of Bahia.

You will, of course, explain to your government that owing to an understanding between you and myself, your note, although it bears the date of the 12th December, was not submitted to me until the 21st instant.

Jealousy of foreign intervention in every form, and absolute non-intervention in the domestic affairs of foreign nations, are cardinal principles in the policy of the United States. You have, therefore, justly expected that the President would disavow and regret the proceedings at Bahia. He will suspend Captain Collins, and direct him to appear before a court-martial. The consul at Bahia admits that he advised and incited the captain and was active in the proceedings. He will therefore be dismissed. The flag of Brazil will receive from the United States Navy the honor customary in the intercourse of friendly maritime powers.

It is, however, not to be understood that this Government admits or gives credit to the charges of falsehood, treachery, and deception which you have brought against the captain and the consul. These charges are denied on the authoity of the officers accused.

You will also be pleased to understand that the answer now given to your representation rests exclusively upon the ground that the capture of the Florida was an unauthorized, unlawful, and indefensible exercise of the naval force of the United States, within a foreign country, in defiance of its established and duly recognized government.

This Government disallows your assumption that the insurgents of this country are a lawful naval belligerent, and, on the contrary, it maintains that the ascription of that character by the government of Brazil to insurgent citizens of the United States, who have hitherto been, and who still are, destitute of naval forces, ports, and courts, is an act of intervention, in derogation of the law of nations, and unfriendly and wrongful, as it is manifestly injurious, to the United States.

So, also, this Government disallows your assumption that the Florida belonged to the aforementioned insurgents, and maintains, on the contrary, that that vessel, like the Alabama, was a pirate, belonging to no nation or lawful belligerent, and therefore that the harboring and supplying of these piratical ships and their crews in Brazilian ports were wrongs and injuries for which Brazil justly owes reparation to the United States, as ample as the reparation which she now receives from them. They hope, and confidently expect, this reciprocity in good time, to restore the harmony and friendship which are so essential to the welfare and safety of the two countries.

[156] *In the positions which I have thus assumed, the imperial government will recognize an adherence to rights which have been constantly asserted, and an enduring sense of injuries which have been the subject of earnest remonstrance by the United States during the last three years. The government of Brazil is again informed that these positions of this Government are no longer deemed open to argument.

It does not, however, belong to the captains of ships of war of the United States, or to the commanders of their armies, or to their consuls residing in foriegn ports, acting without the authority of Congress, and without even executive direction, and choosing their own time, manner, and occasion, to assert the rights and redress the wrongs of the country. This power can be lawfully exercised only by the Government of the United States. As a member of the family of nations, the United States practice order, not anarchy, as they always prefer lawful proceedings to aggressive violence or retaliation. The United States are happy in being able to believe that Brazil entertains the same sentiments. The authorities at Bahia are understood to have unsuccessfully employed force to overcome the Wachusett, and rescue the Florida, and to have continued the chase of the offender beyond the waters of Brazil, out upon the high seas. Thus, in the affair at Bahia, subordinate agents, without the knowledge of their respective governments, mutually inaugurated an unauthorized, irregular, and unlawful war. In desisting from that war on her part, and in appealing to this Government for redress, Brazil rightly appreciated the character of the United States, and set an example worthy of emulation.

The disposition of the captured crew of the Florida is determined upon the principles which I have laid down. Although the crew are enemies of the United States, and, as they contend, enemies of the human race, yet the offenders were, nevertheless, unlawfully brought into the custody of this Government, and therefore they could not lawfully be subjected to the punishment which they have deserved. Nor could they, being enemies, be allowed to enjoy the protection of the United States. They will, therefore, be set at liberty, to seek refuge wheresoever they may find it, with the hazard of recapture when beyond the jurisdiction of this Government.

The Florida was brought into American waters, and was anchored under naval surveillance and protection at Hampton Roads. While awaiting the representation of the Brazilian government, on the 28th November, she sunk, owing to a leak which could not be seasonably stopped. The leak was at first represented to have been caused, or at least increased, by a collision with a war-transport. Orders were immediately given to ascertain the manner and circumstances of the occurrence. It seemed to affect the Army and the Navy. A naval court of inquiry and also a military court of inquiry were charged with the investigation. The naval court has submitted its report, and a copy thereof is herewith communicated. The military court is yet engaged. So soon as its labors shall have ended, the result will be made known to your government. In the mean time, it is assumed that the loss of the Florida was a consequence of some unforeseen accident, which cast no responsibility upon the United States.

I avail, &c.,

(Signed) WILLIAM H. SEWARD.

Senhor IGNACIO DE AVELLAR BARBOZA DA SILVA, *&c.*

No. 99.

Mr. Seward to Mr. Adams, (communicated to Earl Russell by Mr. Adams April 15.)

DEPARTMENT OF STATE,
Washington, March 18, 1865.

SIR: I inclose herewith, for your information, a copy of a dispatch of the 24th February last, which Thomas Kirkpatrick, esq., our consul at Nassau, has addressed to this Department, in which it is stated that blockade-running from that port has ceased; that rumors exist to the effect that some of the vessels recently engaged in running the blockade from Nassau are about proceeding to Havana, there to be fitted out as privateers, and under the United States flag, to depredate upon British commerce, thus hoping to effect a rupture between the two countries, which would ultimately result beneficially for the insurgents, and that the governor of that province is an attendant upon all occasions of festivity, from which those whose sympathies are with the Union cause are excluded. You may make this known informally to Earl Russell, at the same time saying that the consul is a person of remarkable prudence and candor.

Statement of consul at Nassau as to aid and sympathy given there to confederates and vessels to be fitted out as cruisers at Havana.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

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[157] *[Inclosure in No. 99.]

Mr. Kirkpatrick to Mr. Seward.

UNITED STATES CONSULATE,
Nassau, February 24, 1865.

SIR: I have the honor to inform you that blockade-running from this port has ceased. Several of the steamers have gone to Havana, and more are going. The Edith left for there with General Preston, an aid of the rebel army, on board. He has been here for some time, though he has made one or two attempts to get to the confederacy, but without success; he has been quite a lion here, having been an attendant on governor's parties and balls; has been called upon by the governor in person at the hotel. The governor is an attendant on any and every festive occasion; he attended a "meroon" (something like our "picnics;") it was given by a party of blockade-runners, and he had to give a party in return; and he recently attended a large southern or southern-interest party, given by the notorious blockade-runner Lafitte, where he remained until about 4 o'clock in the morning. At none of these parties have I heard of any person of northern feelings or sympathies being invited or present. There are rumors here that some of the vessels recently engaged in blockade-running from this port are going to Havana to fit up as privateers to cruise against British commerce, under the flag of the United States, with the expectation and hope that such a step would lead to a war between the two countries, and aid the confederacy. I know not whether they would do so desperate an act, though they seem desperate enough for anything, but I have deemed it my duty to call the attention of my Government to it, as I have that of the consul at Havana and the authorities here, but trust it may prove untrue.

Correspondence of United States consul at Nassau.

Very respectfully, &c.,
(Signed) THOMAS KIRKPATRICK.

No. 100.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 3, 1865.

SIR: You were good enough, on the 15th ultimo, to read to me a dispatch which Mr. Kirkpatrick, the United States consul at Nassau, had addressed to Mr. Seward, referring to a rumor that vessels hitherto engaged in blockade-running were about to proceed to Havana, there to be fitted out as privateers, and, under the United States flag, to commit depredations upon British commerce.

Reply to consul's statements.

Rumors as to vessels proceeding to Havana erroneous.

I am happy to say that the reports received from the governor of Nassau, and from Her Majesty's consul-general at the Havana, concur in not attaching any importance to this rumor; the latter officer moreover says that, thinking it not

Comments on the consul's correspondence with Governor Bayley.

impossible that some of those vessels might be equipped as privateers to cruise against American trade, he had taken, in concert with his United States colleague and the Spanish authorities, such steps as it is believed will effectually prevent any such attempts from being successfully carried into effect.

The governor of the Bahamas has taken this opportunity of addressing to Her Majesty's government a representation with reference to the tone adopted by Mr. Kirkpatrick in his communications with the colonial authorities.

It appears from the correspondence, of which I inclose copies,[1] that Mr. Kirkpatrick, in a letter dated the 23d of February, called upon the governor to institute proceedings against Captain Maffit, then in port as captain of the blockade-running ship Owl, for having enlisted men at Nassau in 1862 to serve on board the cruiser Oreto or Florida. Mr. Kirkpatrick's letter reached the governor late on the same evening, but in the mean time Captain Maffit had left the port. As, however, it was possible that Captain Maffit might return to Nassau, the governor lost no time in instructing the attorney general to communicate with Mr. Kirkpatrick for the purpose of obtaining the necessary information to enable him to act.

The information which had led to the consul's representation turned out to be a declaration taken before a notary on the 4th of September, 1862, and had reference merely to the transshipment of guns and stores, and contained no evidence of enlistment.

The case did not, therefore, appear to be one in which proceedings could be taken; [158] *but the governor, nevertheless, instructed the attorney general that if the inquiries which he was directed to institute should yield any tangible proof of a violation of the law by persons within the jurisdiction of the courts of the colony, proceedings should be instituted.

The following are the comments of the governor upon this correspondence:

He observes, in the first place, that Captain Maffit arrived at Nassau in the Owl on the 31st of January; that the consul must have been aware of his arrival, and that as it must be presumed that the consul had long known of the existence of the document now produced after a lapse of two years and a half, it is strange that he should have abstained from making his representation until Captain Maffit was upon the point of leaving the port, and it was too late for the governor to act.

2dly. The consul alleges as the reason for his delay that Captain Maffit had not been at Nassau at any other time when the witnesses could be obtained; but the governor observes that Captain Maffit was at Nassau for some days in January, 1863. At all events, the documents might have been produced in September, 1862, when the then consul of the United States had called attention to the arming of the Oreto, and had, in reply, been invited to bring forward evidence; and the governor says that as it was not then brought forward, the attorney general was, in his opinion, borne out in characterizing the charge as an old one, and in saying that, under the circumstances, he must require clear and positive evidence before proceeding against Captain Maffit.

The governor further observes that the consul was not justified in complaining of the government for not acting upon such statements, still less in commenting upon the acts of the governor in a letter addressed to his subordinate officer.

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[1] Inclosures in No. 47.

3dly. The governor observes that the consul appears to think it a hardship, and a cause of complaint, that he should be called upon to furnish evidence in support of the charges which he brings forward, and that he should be asked to assist the government in prosecuting the inquiries which he has himself provoked; and the government further observes that the consul does not appear to perceive the difference between the proceedings which the government can take against a suspected vessel, and the legal formalities by which it is bound in prosecuting a criminal charge against any person connected with it.

The governor says:

4thly. That a still more objectionable proceeding on the part of the consul appears to be his practice of introducing into his correspondence irrelevant and unfounded accusations against the colonial government. The governor says that the consul lately made a charge of this description, with reference to the landing of boats from the United States ship of war Honduras; and that the charge is repeated in a different form in his letter to the attorney general of the 7th of February. The governor says he need scarcely enlarge upon the difficulty, on the one hand, of challenging such statements without provoking an inconvenient and endless correspondence, and, on the other hand, of carrying on a correspondence with a consular officer who writes in this spirit and adopts this tone in his communications with a friendly government.

I am, &c.,
(Signed) RUSSELL.

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[159] *ANNEX.

PAPERS RESPECTING THE REGISTRY OF THE ORETO, RECEIVED FROM THE CUSTOMS AND REGISTRY OF SEAMEN.

No. 1.

Mr. Edwards to the commissioners of customs.

LIVERPOOL, *February* 21, 1862.

Florida.—Annex.

Papers respecting registry.

HONORABLE SIRS: The builders of the vessel Oreto are Messrs. Miller & Sons. Mr. Miller is the chief surveyor for tonnage. By their note inclosed the vessel is correctly described, and I have every reason to believe that she is for the Italian government and not for the confederates.

It will be seen by the note of the surveyor, Mr. Morgan, which I annex, that, as yet, she has nothing in her, so that the information furnished to the government is, so far, incorrect.

Special directions have been given to the officers to observe the movements of the vessel, so that whatever takes place can be made known to the board at any time.

Respectfully, &c.,
(Signed) S. PRICE EDWARDS.

[Inclosure 1 in No. 1.]

Mr. Miller to Mr. Edwards.

LIVERPOOL, *February* 21, 1862.

SIR: We have built the dispatch-vessel Oreto for Messrs. Fawcett, Preston & Co., engineers of this town, who are the agents of Messrs. Thomas, Brothers, of Palermo for whose use the vessel, we understand, has been built. She is pierced for four guns; she has taken nothing whatever on board except coals and ballast; she is in no way fitted for the reception of guns, as yet; nor do we know that she is to have guns whilst in England. Mr. Thomas, of the firm at Palermo, frequently visited the ship whilst she was being built.

We have handed her over to the engineers, and have been paid for her. According to the best of my information the present destination of the vessel is Palermo; and we have been asked to recommend a master to take her out to Palermo.

I remain, &c.,
(Signed) T. MILLER.

[Inclosure 2 in No. 1.]

Mr. Morgan to Mr. Edwards.

February 21, 1862.

SIR: I beg to state that I have inspected the Oreto, now lying in Toxteth Dock, agreeably with your directions issued to-day.

She is a splendid steamer, suitable for a dispatch-boat; pierced for guns, but has not any on board, nor are there any gun-carriages. Coals and ballast are all that the holds contain.

Respectfully, &c.,
(Signed) C. MORGAN, *Collector.*

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[160] *No. 2.

Mr. Edwards to the commissioners of customs.

[Immediate.]

CUSTOM-HOUSE, *Liverpool, March* 28, 1862.

HONORABLE SIRS: The screw vessel Oreto was registered at this port on the 3d instant, as per copy of registry annexed. She cleared on the following day, the 4th, for Palermo and Jamaica, in ballast, as per inclosed victualing-bill. She sailed on the 22d instant, the day upon which the American consul's letter is dated, having a crew of fifty-two men, all British, save some three or four, one of whom only was an American. She had nothing whatever on board save the stores enumerated. She had neither gunpowder, nor even a signal-gun, and no colors, save Marryatt's code of signals, and a British ensign. With reference to the passengers brought by the Annie Childs, it is clear that they were not intended to form any portion of the crew of the Oreto, for they are still in Liverpool; and as respects the dipping of the ensign, this, as far as I can ascertain, was a compliment paid to one of the Cunard steamers and some other vessel which saluted the Annie Childs on her arrival, the masters being parties known to one another. The American consul, therefore, seems not to have been well informed, having been clearly misled, as on a former occasion, when he erroneously stated that arms were being taken on board this same vessel.

(Signed) S. PRICE EDWARDS.

[Inclosure 1 in No. 2.]

Register of the Oreto.

[See inclosure in No. 15, *ante*, page 10.]

[Inclosure 2 in No. 2.]

Victualing-bill of the Oreto.

[See inclosure 2 in No. 13.]

[161] Florida.

Annex.

Articles of agreement.

* No. 3.

Agreement for foreign-going ship.

(A.) Sanctioned by the Board of Trade, August, 1860. In pursuance of 17 and 18 Victoria, chapter 104.

Amount of fee, £0 15*s.* 0*d.*; excess, £1 18*s.* 6*d.*; ditto, £0 2*s.* 0*d.*

Name of ship.	Official number.	Port of registry.	Port number and date of register.	Registered tonnage.	Managing owner.	
					Name.	Address. (State number of house, street, and town.)
Oreto	44, 200	Liverpool	48. 3d March, 1862	178	Fawcett, Preston & Co	York street, Liverpool.

	Master.			Date and place of first signature of agreement, including name of shipping-office.
	Name.	Number of certificate.	Address. (State number of house, street, and town.)	
Oreto	James Alexander Duguid	C 4073	40 Wesley street, Liverpool	3d March, 1862. Liverpool.

Scale of provisions to be allowed and served out to the crew during the voyage.

	Bread.	Beef.	Pork.	Flour.	Peas.	Tea.	Coffee.	Sugar.	Water.
	lb.	lb.	lb.	lb.	pint.	oz.	oz.	oz.	qts.
Sunday	1	1½		½		⅛	½	2	3
Monday	1		1¼		⅓	⅛	½	2	3
Tuesday	1	1½		½		⅛	½	2	3
Wednesday	1		1¼		⅓	⅛	½	2	3
Thursday	1	1½		½		⅛	½	2	3
Friday	1		1¼		⅓	⅛	½	2	3
Saturday	1	1½				⅛	½	2	3

SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for ¼ ounce of tea; molasses for sugar, the quantity to be one-half more. One pound of potatoes or yams, ½ pound flour or rice, ⅓ pint of peas, or ¼ pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be 2 pounds per man per day, in lieu of salt meat, flour, rice, and peas. Beef and pork may be substituted each for the other.

No. 3—*Agreement for foreign-going ship*—Continued.

The several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom fifteen are engaged as sailors, hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from Liverpool to Palermo, thence (if required) to any ports and places in the Mediterranean Sea and West Indies, and back to a final port of discharge in the United Kingdom, the term not to exceed six months.

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew as wages the sums against their names, respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that the regulations authorized by the Board of Trade, which, in the paper annexed hereto, are numbered 1 to 22, are adopted by the parties hereto, and shall be considered as embodied in this agreement. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement, or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that the crew shall consist of mate, carpenter, boatswain, sailmaker, steward, cook, 15 seamen, 4 engineers, 17 firemen, and 2 boys. No grog allowed.

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by James Alexander Duguid, master, on the 3d day of March, 1862.

Signatures of crew.	Age.	Town and county where born.	Number of fund ticket (if any) or E 2.	Number of royal naval volunteer's certificate.	Ship in which he last served, official number, and port she belonged to, or other employment.	Date and place of discharge from such ship.	
						Date.	Place.
William Alison	39	Fife			Express, Liverpool	February	Liverpool.
Peter Hudson	25	Liverpool			Lesmahagow, Scarborough	28 November	Do.
Thomas Waring	36	do			Evangeline, Liverpool	August, 1860	Do.
John Field	21	do			First voyage		
Edward Jones	23	Barbados		9, 328	Boadicea, Saint John	20 January	Do.
Thomas Nunan[1]	35	Bridgewater			Orion, Liverpool	January	Portsmouth.
Thomas Gill	21	Woolton			Arabia, Glasgow	February	Liverpool.
James Brady	19	Liverpool			Asotia, Liverpool	24 November	Do.
Thomas Cowell	27	Kirk Bride			Advance, Glasgow	4 December	Port Glasgow.
Edward Cowley, his + mark	25	Ramsay			Petrel, Bristol	4 October	London.
William Davidson	37	Perth		2, 788	Africa, Glasgow	3 January	Liverpool.
John Anderson, his + mark	28	Sweden			Slieve Donard, Belfast	17 February	Falmouth.
Archibald Craig	24	Liverpool			Australasian, Glasgow	1 February	Liverpool.
William Porter	30	do			Nelson, Saint Andrews	21 February	Bristol.
William Balsham	24	Bolton			Arabia, Glasgow	February	Liverpool.
[126] *George Williams	31	Liverpool			Australasian, Glasgow	1 February	Do.
Peter Hanson	29	Denmark			Johnstone, Liverpool	15 February	Do.
Charles Cealey, his + mark	25	Bridgewater			Nelson, Saint Andrews	14 February	Bristol.
Eduart Drexler	27	Liverpool			F. Huntley, London	February	London.
Henry Dewar, his + mark	26	Worms			N. Light, Liverpool	15 January	Liverpool.
Frederich Hayes, his + mark	28	Heligoland			Sparkling Wave, Liverpool	February	Waterford.
Thomas Farley, his + mark	21	Dorset		9, 327	Edward Boustead, Liverpool	13 January	Liverpool.
Michael Moran, his + mark	30	Cork		6, 216	Parnasus, Fleetwood	27 January	Londonderry.

Henry Dromyoob	29	Liverpool			Nomroud, London	17 January	Liverpool.
Henry Knight, his + mark	26	do			Sandbach, Liverpool	24 February	Do.
Thomas Reushaw, his + mark	29	do		8, 669	Nimroud, London	17 January	Do.
Thomas Loyd	14	Manchester			First voyage		
John Cunniff	18	St. John, N. B			Mary Richards, Saint John	February	Warrenpoint.
Joseph William Evans	19	Dudley			Sicilian, Liverpool	22 January	Liverpool.
William Allan	34	Glasgow			Jura, Glasgow	January	Do.
John Scott	30	Stirling			Resolute, Liverpool	1855	Portsmouth.
Daniel Stewart	25	Glasgow			Gaditana, Ferrol	1860	Liverpool.
James Erskine	24	Port William			Astercan, Liverpool	September	Aberdeen.
Alexander Malcom	27	Kirkcudbright			Jura, Glasgow	January	Liverpool.
Walter Irvin, his + mark	26	Dumfries			Glasgow, Glasgow	23 November	Do.
Timothy O'Brien, his + mark	28	Cork			Vigo, Liverpool	January	Do.
Thomas Robertson, his + mark	30	Wexford			Balbec, Glasgow	February	Do.
Pierce Lacey, his + mark	29	do			Great Eastern, London	7 October	Milford.
Miles Sherran	22	Dublin			Australasian, Liverpool	February	Liverpool.
John Quinn, his + mark	28	Down			Vigo, Liverpool	January	Cadiz.
Daniel Flinn	26	Longford			Calpe, Liverpool	February	Liverpool.
William McCartney, his + mark	26	Glasgow			Arabia, Glasgow	February	Do.
Alexander Cowan, his + mark	23	Stirling			Hecla, Glasgow	29 January	Do.
Michael Garraty, his + mark	26	Athlone			Zephyr, Waterford	21 December	Waterford.
David McEwing	21	Whithorn			Persia, Glasgow	December	Glasgow.
George Mooney, his + mark	21	Liverpool			Rattler, Liverpool	August, 1860	Liverpool.
Daniel Harvey	20	Londonderry			Halcyon, Cork	December	Do.
John McCartney	21	Glasgow			Edinburgh, Liverpool	February	Do.
Edward Fitzgerald	22	Wexford			Great Eastern, London	7 October	Milford.
Frederick Robinson	21	Liverpool			First ship		
William Barkly	39	do			Stromboli, Glasgow	4 July	Liverpool.
Alexander Murray, his + mark[2]	24	Glasgow			D. Hartman, Yarmouth	7 March	Do.
Wynne Fitz James Duggan[2]	39	Milford			Pedro Ferrer, Sunderland	14 February	Swansea.

Signatures of crew.	Date and place of joining this ship.		In what capacity engaged; and if mate, number of his certificate (if any.)	Time at which he is to be on board.	Amount of wages per calendar month, share, or voyage.	Amount of wages advanced on entry.	Amount of monthly allotment.	Shipping-master's signature, or initials.
	Date.	Place.						
					£ s. d.	£ s. d.	£ s d.	
William Alison	3 March	Liverpool	Mate, C. 7, 442	8 A. M., 4 March	12 0 0	12 0 0		J. W. Hughes.
Peter Hudson	do	do	Second mate, 23,133	do	7 0 0	3 10 0		Do.
Thomas Waring	do	do	Carpenter	do	10 0 0	10 0 0		Do.
John Field	do	do	Carpenter's mate	do	7 0 0	7 0 0		Do.
Edward Jones	do	do	Boatswain	do	4 0 0	4 0 0		Do.
	do		Sailmaker[1]					Do.
Thomas Nunan[1]	do	Liverpool	Steward	do	6 0 0	6 0 0		
Thomas Gill	do	do	Cook	do	5 0 0	5 0 0		Do.
James Brady	do	do	do	do	4 0 0	4 0 0		Do.

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[1] Discharged mutually, J. W. H., 13th March, 1862.

[2] Substitutes.

No. 3—*Agreement for foreign-going ship*—Continued.

Signatures of crew.	Date and place of joining this ship.		In what capacity engaged; and if mate, number of his certificate (if any.)	Time at which he is to be on board.	Amount of wages per calendar month, share, or voyage.			Amount of wages advanced on entry.			Amount of monthly allotment.			Shipping-master's signature, or initials.
	Date.	Place.			£	s.	d.	£	s.	d.	£	s.	d.	
Thomas Cowell	3 March	Liverpool	Quartermaster	8 A. M., 4 March	4	0	0	4	0	0				J. W. Hughes.
Edward Cowley, his + mark	do	do	do	do	4	0	0	4	0	0				Do.
William Davidson	do	do	Seaman	do	3	5	0	3	5	0				Do.
John Anderson, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Archibald Craig	do	do	do	do	3	5	0	3	5	0				Do.
William Porter	do	do	do	do	3	5	0	3	5	0				Do.
William Balsham	do	do	do	do	3	5	0	3	5	0				Do.
George Williams	do	do	do	do	3	5	0	3	5	0				Do.
Peter Hanson	do	do	do	do	3	5	0	3	5	0				Do.
Charles Cealey, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Eduart Drexler	do	do	do	do	3	5	0	3	5	0				Do.
Henry Dewar, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Frederich Hayes, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Thomas Farley, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Michael Moran, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Henry Dromyoob	do	do	do	do	3	5	0	3	5	0				Do.
Henry Knight, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Thomas Renshaw, his + mark	do	do	do	do	3	5	0	3	5	0				Do.
Thomas Loyd	do	do	Boy	do	1	0	0	1	0	0				Do.
John Cunniff	do	do	do	do	1	10	0	1	10	0				Do.
Joseph William Evans	do	do	Engineers' steward	do	3	5	0	3	5	0	12	10	0	Do.
William Allan	do	do	Engineer	do	25	0	0	25	0	0	10	0	0	Do.
John Scott	do	do	do	do	20	0	0	20	0	0	7	10	0	Do.
Daniel Stewart	do	do	do	do	15	0	0	15	0	0	5	0	0	Do.
James Erskine	do	do	do	do	10	0	0	10	0	0				Do.
Alexander Malcom	do	do	Fireman	do	4	15	0	4	15	0				Do.
Walter Irvin, his + mark	do	do	do	do	4	15	0	4	15	0				Do.
Timothy O'Brien, his + mark	do	do	do	do	4	15	0	4	15	0				Do.
Thomas Robertson, his + mark	do	do	do	do	4	15	0	4	15	0				Do.
Pierce Lacey, his + mark	do	do	do	do	4	15	0	4	15	0				Do.
Miles Sherran	do	do	do	do	4	15	0	4	15	0				Do.
John Quinn, his + mark	do	do	do	do	4	15	0	4	15	0				Do.
Daniel Flinn	do	do	do	do	4	15	0	4	15	0				Do.
William McCartney, his + mark	do	do	do	do	4	15	0	4	15	0				Do.
Alexander Cowan, his + mark	do	do	do	do	4	15	0	4	15	0				Do.
Michael Garraty, his + mark	do	do	do	do	4	10	0	4	10	0				Do.
David McEwing	do	do	do	do	4	10	0	4	10	0				Do.
George Mooney, his + mark	do	do	do	do	4	10	0	4	10	0				Do.
Daniel Harvey	do	do	do	do	4	10	0	4	10	0				Do.

John McCartney	do	do	do	do	4 10 0	4 10 0	....	Do.
Edward Fitzgerald	do	do	do	do	4 10 0	4 10 0	....	Do.
Frederick Robinson	4 March	do	Sailmaker	5 P. M., 4 March	4 0 0	4 0 0	....	Do.
William Barkly	do	do	Seaman	do	3 5 0	3 5 0	....	Do.
Alexander Murray, his + mark[1]	13 March	do	do	9 A. M., 14 March	3 5 0	3 5 0	....	Do.
Wynne Fitz James Duggan[1]	14 March	do	S. 44,022. Mate	9 A. M., 15 March	12 0 0	12 0 0	6 0 0	Do.

[1] Substitutes.

(Signed) J. A. DUGUID, *Master.*

I hereby certify this to be a true copy of the agreement (executed in three folios) of the ship Oreto, of Liverpool, official number 44,200, deposited on record in this office,

J. J. MAYO, *Registrar General.*

GENERAL REGISTER AND RECORD OFFICE OF SEAMEN, ADELAIDE PLACE, LONDON BRIDGE, 19*th October*, 1871.

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[163] "Florida."

Annex.

Account of crew at end of voyage.

* No. 4.

[List C, No. 2405. Sanctioned by the Board of Trade, August, 1860, in pursuance of 17 and 18 Victoria, chapter 104.]

PORT OF LIVERPOOL.

Account of crew of foreign-going ship, to be delivered at the end of the voyage to the shipping-master at the above port.

Amount of fee, £0 15*s.* 0*d.* No fees charged to the crew.

Name of ship.	Official number.	Port of registry.	Port number and date of register.	Registered tonnage.	Managing owner.	
					Name.	Address. (State number of house, street, and town.)
Oreto	44,200	Liverpool	48. 3 March, 1862	178	Fawcett, Preston & Co	17 York street.

Name of ship.	Master.			First port of departure.	Date of departure.	Final port of destination in the United Kingdom.	Date of arrival.
	Name.	Number of certificate.	Address. (State number of house, street, and town.)				
Oreto	James Alexander Duguid	C. 4,073	40 Wesley street, Liverpool	Liverpool	23 March, 1862	Ship seized at Nassau, 14th June, 1862.	

Account of the crew and of other particulars required by law, in respect of the above-mentioned voyage.

Names of the master and the crew. Christian and surnames to be set forth at full length.	Age.	Town and county where born.	Number of fund ticket, (if any,) or E 2.	*Number of royal naval volunteer's certificate.	Ship in which he last served, official number, and port she belonged to, or nature of employment.	Date and place of discharge from such ship.		Date and place of joining the ship.		In what capacity engaged, and if mate, number of his certificate, (if any.)[1]
						Date.	Place.	Date.	Place.	
James Alexander Duguid	45	Cornwall			Advance, Glasgow	February	Glasgow	1862. March 4	Liverpool	Captain, C. 7,442.
William Alison	39	Fife			Express, Liverpool	February	Liverpool	do	do	Mate, 23,133.
Peter Hudson	25	Liverpool			Lesmahago, Scarborough	28 November	do	do	do	Second mate.
Thomas Waring	36	do			Evangeline, Liverpool	August, 1860	do	do	do	Carpenter.
John Field	21	do			First voyage			do	do	Carpenter's mate.
Edward Jones	23	Barbadoes		9, 328	Boadicea, Saint John	20 January	Liverpool	do	do	Boatswain.
Thomas Gill	21	Wootton			Arabia, Glasgow	February	do	do	do	Cook.
James Brady	19	Liverpool			A. Sofia, Liverpool	24 November	do	do	do	Do.
Thomas Cowell	27	Kirk Bride			Advance, Glasgow	4 December	Port Glasgow	do	do	Quartermaster.
Edward Cowley	25	Ramsay			Petrel, Bristol	4 October	London	do	do	Do.
William Davidson	37	Perth		2, 788	Africa, Glasgow	3 January	Liverpool	do	do	Seaman.
John Anderson	28	Sweden			Slieve Donard, Belfast	17 February	Falmouth	do	do	Do.
Archibald Craig	24	Liverpool			Australasian, Glasgow	1 February	Liverpool	do	do	Do.
William Porter	30	do			Nelson, Saint Andrews	21 February	Bristol	do	do	Do.
William Balshaw	24	Bolton			Arabia, Glasgow	February	Liverpool	do	do	Do.
George William	31	Liverpool			Australasian, Glasgow	1 February	do	do	do	Do.
Peter Hansen	29	Denmark			Johnstone, Liverpool	15 February	do	do	do	Do.
Charles Cealey	25	Bridgewater			Nelson, Saint Andrews	14 February	Bristol	do	do	Do.
Edward Drexter	27	Liverpool			F. Huntley, London	February	London	do	do	Do.
Henry Dewar	26	Worms			N. Light, Liverpool	15 January	Liverpool	do	do	Do.
Frederick Hayes	28	Heligoland			Sparkling Wave, Liverpool	February	Waterford	do	do	Do.
Thomas Farley	21	Dorset		9, 327	Edwd. Boustead, Liverpool	13 January	Liverpool	do	do	Do.
Michael Moran	30	Cork		6, 216	Parnassus, Fleetwood	27 January	Londonderry	do	do	Do.
Henry Dromgoel	29	Liverpool			Nimrod, London	17 January	Liverpool	do	do	Do.
Henry Knight	26	do			Sandbach, Liverpool	24 February	do	do	do	Do.
Thomas Renshaw	29	do		8, 669	Nimrod, London	17 January	do	do	do	Do.
Thomas Lloyd	14	Manchester			First voyage			do	do	Boy.
John Cunniff	18	Saint John's			Mary Richard, Saint John	February	Warrenpoint	do	do	Do.
[164] *Joseph William Evans	19	Dudley			Sicilian, Liverpool	22 January	Liverpool	do	do	Engineers' steward.
William Allen	34	Glasgow			Jura, Glasgow	January	do	do	do	Engineer.
John Scott	30	Stirling			Resolute, Liverpool	1855	Portsmouth	do	do	Do.
Daniel Stewart	25	Glasgow			Gadilana, Ferrol	1860	Liverpool	do	do	Do.
James Erskine	24	Port William			Astercan, Liverpool	September	Aberdeen	do	do	Do.
Alexander Malcolm	27	Kirkcudbright			Jura, Glasgow	January	Liverpool	do	do	Fireman.
Walter Irvin	26	Dumfries			Glasgow, Glasgow	23 November	do	do	do	Do.
Timothy O'Brien	28	Cork			Vigo, Liverpool	January	do	do	do	Do.
Thomas Robertson	30	Wexford			Baltic, Glasgow	February	do	do	do	Do.
Pierce Lacey	29	do			Great Eastern, London	7 October	Milford	do	do	Do.
Miles Sheeran	22	Dublin			Australasian, Liverpool	February	Liverpool	do	do	Do.
John Quinn	28	Down			Vigo, Liverpool	January	Cadiz	do	do	Do.

Daniel Flinn	26	Longford			Calpe, Liverpool	February	Liverpool	do	do	Do.
William McCartney	26	Glasgow			Arabia, Glasgow	February	do	do	do	Do.
Alexander Cowan	23	Stirling			Hecla, Glasgow	29 January	do	do	do	Do.
Michael Garraly	26	Athlone			Zephyr, Waterford	21 December	Waterford	do	do	Do.
David McEwing	21	Whithorn			Persia, Glasgow	December	Glasgow	do	do	Do.
George Mooney	21	Liverpool			Rattler, Liverpool	August, 1860	Liverpool	do	do	Do.
Daniel Harvey	20	Londonderry			Halcyon, Cork	December	do	do	do	Do.
John McCartney	21	Glasgow			Edinburgh, Liverpool	February	do	do	do	Do.
Edward Fitzgerald	22	Wexford			Great Eastern, London	7 October	Milford	do	do	Do.
Frederick Robinson	21	Liverpool			First voyage			do	do	Sail.
William Barkley	39	do			Stromboli, Glasgow	4 July	Liverpool	do	do	Seaman.
Alexander Murray	24	Glasgow			D. Hartman, Yarmouth	7 March	do	March 14	do	Do.
Wynn Fitz James Duggan	39	Milford			Pedro Ferrer, Sunderland	14 February	Swansea	March 15	do	Mate, S 44,022.
Robert Martin	24	Renfrew			Hibernia	25 February		March 6	do	Fireman.
John Govan	30	Dublin			Glasgow	1 March		March 11	do	Do.
James Botton	27	Lancashire			America	30 January	Liverpool	March 11	do	Do.
Charles Ward	25	Londonderry			Asia	January	do	March 16	do	Steward.
Thomas Grinan	35	Bridgewater			Orion, Liverpool	January	Portsmouth	March 3	do	Do.

Names of the master and the crew. Christian and surnames to be set forth at full length.	Date, place, and cause of death or leaving this ship, also of maiming or hurt.			Report of character.				Amount of forfeiture to owner.	Amount of fines payable to shipping-master.
	Date.	Place.	Cause.	Ability.	Conduct.	Declines to report.	Remarks.		
	1862.							£ s. d.	£ s. d.
James Alexander Duguid	11 August	Nassau	Discharged						
William Alison	13 March	Liverpool	Sickness						
Peter Hudson	11 August	Nassau	Left to come home, passenger				Discharged at Liverpool, September 8, 1862.		
Thomas Waring	10 August	do	Discharged						
John Field	10 August	do	do						
Edward Jones	6 June	do	Deserted						
Thomas Gill	10 June	do	Discharged						
James Brady	10 June	do	do						
Thomas Cowell	10 August	do	do						
Edward Cowley	10 August	do	d0						
William Davidson	10 June	do	Ship seized				Discharged		
John Anderson	10 June	do	do				do		
Archibald Craig	10 June	do	do				do		
William Porter	28 August	Liverpool		Very good.	Very good.				
William Balshaw	11 March	do	Desertion						
George William	10 June	Nassau	Discharged						
Peter Hansen	28 August	Liverpool	Ship seized	Very good.	Very good.		Discharged		
Charles Cealey	10 June	Nassau	do				do		
Edward Drexter	10 June	do	Discharged						
Henry Dewar	10 June	do	Ship seized				Discharged		
Frederick Hayes	10 June	do	do				do		

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[1] The shipping-master should obtain from the master of the ship the certificate (Mates, RV 2, or E 2) belonging to any seaman who has died or deserted, and forward the same to the registrar general with this return. Should the master have died, his certificate should also be obtained and forwarded in like manner.

Account of the crew and of other particulars required by law, &c.—Continued.

Names of the master and the crew. Christian and surnames to be set forth at full length.	Date, place, and cause of death or leaving this ship, also of maiming or hurt.			Report of character.				Amount of forfeiture to owner.	Amount of fines payable to shipping-master.
	Date.	Place.	Cause.	Ability.	Conduct.	Declines to report.	Remarks.		
Thomas Farley	10 June	Nassau	Ship seized				Discharged		
Michael Moran	10 June	do	do				do		
Henry Dromgoel	10 June	do	do				do		
Henry Knight	10 June	do	do				do		
Thomas Renshaw	10 June	do	do				do		
Thomas Lloyd	28 August	Liverpool	Discharged	Very good.	Very good.		do		
John Cunniff	10 June	Nassau	do						
Joseph William Evans	10 June	do	do						
William Allen	10 June	do	do						
John Scott	10 June	do	do						
Daniel Stewart	12 August	do	Died						
James Erskine	10 June	do	Discharged						
Alexander Malcolm	9 March	Liverpool	Desertion						
Walter Irvin	28 August	do		Very good.	Very good.		Discharged		
Timothy O'Brien	28 August	do		do	do		do		
Thomas Robertson	28 August	do		do	do		do		
Pierce Lacey	28 August	do		do	do		do		
Miles Sheeran	28 August	do		do	do		do		
John Quinn	28 August	do		do	do		do		
Daniel Flinn	10 June	Nassau	Ship seized				do		
William McCartney	10 June	do	do				do		
Alexander Cowan	9 March	Liverpool	Desertion						
Michael Garraly	28 August	do		Very good.	Very good.		Discharged		
David McEwing	28 August	do		do	do		do		
George Mooney	28 August	do		do	do		do		
Daniel Harvey	28 August	do		do	do		do		
John McCartney	9 March	do	Desertion						
Edward Fitzgerald	28 August	do		Very good.	Very good.		Discharged		
Frederick Robinson	10 June	Nassau	Ship seized				do		
William Barkley	10 June	do	do				do		
Alexander Murray	10 June	do	do				do		
Wynn Fitz James Duggan	10 June	do	do				do		
Robert Martin	8 August	do	Died						
John Govan	10 June	do	Ship seized						
James Botton	28 August	Liverpool		Very good.	Very good.		Discharged		
Charles Ward	28 August	do		do	do		do		
Thomas Grinan	13 March	do	Discharged			Yes.			
Total									

I hereby certify this to be a true copy of the account of crew, executed in three folios, of the ship Oreto, of Liverpool, official number 44,200, deposited on record in this office, with an indorsement thereon.

J. J. MAYO, *Registrar General*.

GENERAL REGISTER AND RECORD OFFICE OF SEAMEN, ADELAIDE PLACE, LONDON BRIDGE, E. C., 19*th October*, 1871.

Account of the crew and other particulars required by law, &c.—Continued.

Account of apprentices on board.							Particulars relating to wages and effects of seamen deceased during the voyage.			
Names of apprentices.	Age.	Place of birth, stating name of town or country.	Registry or assignment of indenture.		How disposed of.		Names of deceased seamen. Christian and surnames at full length.	Number of fund ticket or certificate or RV 2, (if any.)	Net amount due paid to shipping-master, as per account in form KK.	Particulars of effects (if any) delivered to shipping-master, as per account in form KK.
			Date of.	Port of.	Date.	Port.				
							Daniel Stewart	....	£ s. d. 14 14 0	Effects in his own possession at Clifton Hotel, Nassau, N. P. Two bags.
							Robert Martin	....	7 3 3	
								Total	21 17 3	

I declare the above account to be true.
(Signed) J. A. DUGUID, *Master*.
Dated at Liverpool the 28th day of August, 1862.
Received by W. T. CURRYER, *Deputy Shipping-master*.

INDORSEMENT.—All the crew were paid off but the second mate before the news of the deaths within named was brought home by the master. The second mate corroborated the master's statement concerning them.
(Signed) W. T. CURRYER.

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[165] *No. 5.

[M. Sanctioned by the Board of Trade, May, 1855, in pursuance of 17 and 18 Victoria, chapter 104.]

PORT OF LIVERPOOL.

Release at the termination of a voyage.

Name of ship.	Official number.	Port number and date of register.	Port of registry.	Name of master.	Name of owner.	Description of voyage.	Date and place of commencement of voyage.	Date and place of termination of voyage.
Oreto	44, 200	48. 3 March, 1862.	Liverpool	J. A. Duguid....	Fawcett, Preston & Co.	West Indies, &c	4 March, 1862, Liverpool.	14 June, 1862, Nassau; ship seized.

We, the undersigned, members of the crew of the said ship, do hereby release the said ship and the master and owner or owners thereof from all claims for wages or otherwise in respect of the above-mentioned voyage; and I, the master, do hereby release the said crew from all claims in respect of the said voyage.

Dated at Liverpool, the 28th day of August, 1862.

(Signed) FAWCETT, PRESTON & CO.,
Owners.

Signatures of crew—WILLIAM PORTER.
PETER HAMON.
THOMAS LOYD.
WALTER his + mark. IRVING.
TIMOTHY his + mark. O'BRIEN.
THOMAS his + mark. ROBERTSON.
PIERCE his + mark. LACEY.
MILES SHARAN.
JOHN his + mark. QUIN.
MICHAEL GERETY.
DAVID McEWING.
GEORGE his + mark. MOODEY.
DANIEL HARVEY.
EDWARD FITZGERALD.
JAMES BOTTON.
CHARLES WARD.
PETER HUDSON.

I attest the execution of the above release in my presence.

(Signed) W. T. CURRYER,
Deputy Superintendent.

I hereby certify this to be a true copy of the Schedule (M) of the ship Oreto, of Liverpool, official number 44,200, deposited on record in this office.

J. J. MAYO,
Registrar General.

General Register and Record Office of Seamen,
Adelaide Place, London Bridge, *October* 19, 1871.

ALABAMA.

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PART I.

DEPARTURE FROM LIVERPOOL AND EQUIPMENT AT THE AZORES.

No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
1	Mr. Adams to Earl Russell...	June 23, 1862	First representation respecting a vessel said to be fitting out at Liverpool for the confederate service.	177	421
2	Earl Russell to Mr. Adams...	June 25, 1862	Acknowledging receipt of No. 1. Matter referred to proper department of Her Majesty's government.	180	424
3	Foreign office to treasury.....	June 25, 1862	Forwarding Mr. Adams's letter and inclosures for immediate inquiries, and for such steps to be taken as may be right and proper.	180	424
4	Foreign office to law-officers..	June 25, 1862	For opinion on Mr. Adams's letter and inclosure.	181	424
5	Attorney and solicitor general to foreign office.	June 30, 1862	Answer to letter of 25th instant. Opinion on papers referred to them. First opinion given in the case.	181	425
6	Treasury to foreign office	July 2, 1862	Report of commissioners of customs and Surveyor Morgan. First report of customs solicitor.	181	426
7	Earl Russell to Mr. Adams...	July 4, 1862	Forwarding copy of report of commissioners of customs. Suggestion that consul at Liverpool should submit to the customs such evidence as he may possess.	184	428
8	Mr. Adams to Earl Russell...	July 7, 1862	Acknowledging receipt of letter of July 4. Will instruct Consul Dudley accordingly.	184	428
9	Collector Edwards, of Liverpool, to customs commissioners.	July 10, 1862	Correspondence with Consul Dudley. Statement furnished by him. Report of Surveyor Morgan. Consul Dudley does not produce any evidence.	184	428
10	Customs commissioners to Collector Edwards.	July 15, 1862	Collector informed that there is not sufficient *prima facie* proof to justify the seizure of the vessel.	187	431
11	Board of customs to treasury.	July 17, 1862	Correspondence with Collector Edwards. Statement of Consul Dudley and report of customs solicitor communicated to the treasury. Second report of customs solicitor.	137	431
12	Treasury to foreign office	July 22, 1862	Forwarding affidavits, taken at Liverpool on 21st of July, of Passmore, De Costa, Clare, Wilding, Maguire, and Consul Dudley, with letter from customs.	188	432
13	Customs commissioners to Collector Edwards.	July 22, 1862	Instructions that evidence not sufficient to justify proceedings against the vessel by customs. It is competent for the United States Government, or any other person, to take proceedings at their own risk. Third report of customs solicitor, and report of assistant solicitor.	192	436
14	Mr. Adams to Earl Russell...	July 22, 1862	Forwarding the same six affidavits, and requesting that proceedings may be taken.	193	437
15	Foreign officer to law-officers.	July 23, 1862	Forwarding No. 12 and inclosures (the six affidavits) for immediate opinion.	193	437
16	Treasury to foreign office	July 23, 1862	Further letter from customs, with letter from Mr. Squarey. Affidavits of Roberts and Taylor, and opinion by Mr. Collier. Fourth report of customs solicitor.	194	438

Departure from Liverpool, &c.—Continued.

No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
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17	Foreign office to law-officers...	July 23, 1862	Forwarding for opinion letter from customs, with letter from Mr. Squarey, affidavits of Roberts and Taylor, and opinion of Mr. Collier.	197	441
18	Foreign office to treasury.....	July 24, 1862	Forwarding copy of Mr. Adams's letter of the 22d.	197	441
19	Mr. Adams to Earl Russell...	July 24, 1862	Inclosing affidavits of Roberts and Taylor, and opinion of Mr. Collier.	197	442
20	Treasury to foreign office.....	July 26, 1862	Letter from treasury, with affidavit of Henry Redden. Fifth report of customs solicitor.	198	442
*21	[170] Foreign office to law-officers.	July 26, 1862	Forwarding letter from treasury, with letter from customs and affidavit of Henry Redden, for opinion.	199	444
22	Earl Russell to Mr. Adams...	July 28, 1862	Acknowledging receipt of letters of 22d and 24th instant. The papers have been referred to the law-officers.	199	444
23	Treasury to foreign office.....	July 29, 1862	The vessel has left Liverpool.........	200	444
24	Attorney and solicitor general to foreign office.	July 29, 1862	Opinion that the vessel should be seized and prosecuted for infringement of the foreign-enlistment act.	200	445
25	Foreign office to treasury.....	July 30, 1862	Forwarding copy of report of attorney and solicitor general.	201	446
26	Foreign office to colonial office.	July 31, 1862	Forwarding copy of report of attorney and solicitor general for transmission to Bahamas.	202	446
27	Treasury to foreign office....	July 31, 1862	Customs instructed to seize the vessel.	202	447
28	......do	July 31, 1862	Vessel supposed by Messrs. Squarey to have gone to Queenstown.	202	447
29	Foreign office to treasury.....	Aug. 2, 1862	Vessel should be seized if she puts into Queenstown.	203	448
30	Foreign office to colonial office.	Aug. 2, 1862	Vessel should be seized if she puts into Nassau.	203	448
31	Treasury to foreign office.....	Aug. 4, 1862	Vessel stated by Consul Dudley to have left Birkenhead on the 28th, and the Mersey on the 29th, and to be off Point Lynas. Assistance and warlike supplies alleged to have been afforded by Hercules. Report from Surveyor Morgan. The vessel had no armament on board when she left, and the Hercules did not take out warlike supplies.	204	449
32	Extracts from customs correspondence presented to Parliament in 1863.	....	Telegrams sent to Liverpool, Cork, Beaumaris, and Holyhead, to seize the vessel. Affidavit of master of Hercules. Report as to proceedings off Point Lynas. Equipment at the Azores. Arrival of the Bahama from Terceira, &c.	205	450
33	Mr. Adams to Earl Russell...	Sept. 4, 1862	Representation respecting proceedings at Terceira. Affidavit of Henry Redden.	209	455
34	Foreign office to treasury.....	Sept. 12, 1862	Copies of No. 33 and inclosures........	211	457
35	Foreign office to law-officers ..	Sept. 16, 1862	Judgment at Nassau in case of Oreto. Does it modify opinion as to seizing the vessel which has left Liverpool?	211	457
36	Earl Russell to Mr. Adams...	Sept. 22, 1862	Proceedings taken with regard to the vessel. Explanations as to her departure.	211	458
37	Law-officers to foreign office..	Sept. 25, 1862	Answer to No. 35. Vessel should be seized at Nassau.	212	458
38	Foreign office to colonial office.	Sept. 26, 1862	Copy of law-officer's report, for information.	212	459
39	Treasury to foreign office.....	Sept. 29, 1862	Report from customs as to supplies said to have been furnished at Terceira by Bahama and another vessel.	213	459
40	Mr. Adams to Earl Russell...	Sept. 30, 1862	Further representation as to supplies furnished to the vessel now called the Alabama.	214	460
41	Earl Russell to Mr. Adams...	Oct. 4, 1862	Acknowledging receipt of note of 30th ultimo. Her Majesty's government unable to go beyond the law, municipal and international.	215	462
42	......do	Oct. 9, 1862	Inclosing copy of No. 39. Report from customs.	215	462
43	Mr. Adams to Earl Russell...	Oct. 9, 1862	Further representation. Intercepted letter of confederate secretary of the navy.	216	463

Departure from Liverpool, &c.—Continued.

No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
44	Mr. Herries to foreign office..	Oct. 4, 1862	Proceedings of the United States minister at Lisbon.	217	464
45	Earl Russell to Mr. Adams...	Oct. 16, 1862	Reply to No. 43. Foreign-enlistment act may be evaded, but Her Majesty's government cannot go beyond the law.	217	464
46	Mr. Adams to Earl Russell...	April 4, 1863	Affidavit of Clarence P. Yonge, paymaster of Alabama. Enlistment of British subjects. Departure of Alabama from Liverpool. Proceedings in Moelfra Bay. Equipment at Terceira. Port Royal, Martinique, first port touched at. Proceedings at Arkas Keys. Arrival at Jamaica. List of crew.	217	465
47	Earl Russell to Mr. Adams...	Aug. 17, 1863	Correction of erroneous statement as to Mr. Welsman.	223	470
48	Mr. Adams to Earl Russell...	Aug. 22, 1863	Will communicate correction to his government and to Consul Dudley.	223	471
49	Foreign office to Mr. Laird....	Aug. 31, 1863	Inquiry as to Alabama having been fitted out as a vessel of war at Liverpool.	223	471
50	Mr. Laird to foreign office.....	Sept. 2, 1863	Alabama was not fitted out at Liverpool. She left without armament.	224	471
*51	[171] Earl Russell to Mr. Adams.	Sept. 14, 1863	Her Majesty's government disclaim any responsibility for Alabama. Mr. Laird's statement.	224	462
52	Mr. Adams to Earl Russell....	Sept. 17, 1863	Acknowledging No. 51. Reply as to Mr. Laird's evidence.	224	472
53	Foreign office to treasury	Dec. 7, 1863	For inquiry as to statement that officers of Alabama were informed of her intended seizure at Liverpool.	225	473
54	Treasury to foreign office	Dec. 22, 1863	Answer to No. 53. Report of customs commissioners.	225	473
55	Mr. Adams to Earl Russell....	Jan. 13, 1864	Statement by John Latham, a deserter from the Alabama.	226	474
56	Foreign office to home office...	Jan. 14, 1864	Copy of Mr. Adams's note as to infringement of neutrality by British subjects.	233	480
57	Foreign office to admiralty....	Jan. 22, 1864	Men of crew of Alabama said to belong to naval reserve.	233	481
58	Admiralty to foreign office....	Jan. 29, 1864	Only three of the men can be identified; one already discharged.	233	481
59	Home office to foreign office...	Feb. 5, 1864	No proceedings can be taken on Mr. Adams's representation.	235	483
60	Admiralty to foreign office....	Feb. 18, 1864	Further endeavors to trace crew of Alabama unsuccessful.	236	484
61	Foreign office to admiralty....	June 21, 1864	Naval reserve men said to have been shipped in Alabama.	237	485
62	Admiralty to foreign office....	June 24, 1864	Men of naval reserve suspected of having joined confederate ships have been discharged. Will inquire as to any having shipped in the Alabama.	237	485
63	..........do	July 27, 1864	Three men of naval reserve dismissed for joining Alabama.	237	485
64	Foreign office to admiralty....	July 30, 1864	Lord Russell concurs in their dismissal.	237	486

ANNEX TO PART I.

CORRESPONDENCE LAID BEFORE CONGRESS, BUT NOT COMMUNICATED AT THE TIME TO THE BRITISH GOVERNMENT.

From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
			Page.	*Page.*
Mr. Dudley to Mr. Seward......	May 16, 1862	Vessel building in Messrs. Lairds' yard for the confederacy.	239	486
Do...................	June 18, 1862	Description of vessel. Her progress toward completion.	239	487
Mr. Adams to Mr. Seward......	June 26, 1862	Has made representation to Her Majesty's government on the subject and sent for Tuscarora.	240	487

Departure from Liverpool, &c.—Continued.

From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
			Page.	*Page.*
Mr. Dudley to Mr. Seward......	June 27, 1862	Has been to London to see Mr. Adams respecting the gun-boat. Representation addressed to Earl Russell.	240	488
Mr. Wilding to Mr. Seward	July 5, 1862	Particulars of gun-boat. Preparations for her departure.	241	488
Mr. Adams to Mr. Seward......	July 9, 1862	Steps taken. Intends to authorize Tuscarora to intercept her if there is sufficient evidence to justify it.	241	489
Mr. Dudley to Mr. Seward......	July 9, 1862	Will furnish evidence to customs officer at Liverpool. Remarks on conduct of British government.	242	490
Do..................	July 11, 1862	Correspondence with customs collector at Liverpool. Evidence of Richard Brougan as to Captain Bullock's proceedings.	242	491
Do..................	July 12, 1862	Further particulars. Captain Butcher's connection with the vessel.	243	492
Mr. Seward to Mr. Adams......	July 12, 1862	Information sent is imperfect. Has communicated it to the Navy Department. Threatening issue of letters of marque.	244	493
Mr. Adams to Mr. Seward......	July 17, 1862	Tuscarora detained at Southampton. Informal evidence supplied by Mr. Dudley. Lord Russell's suggestion for proceeding against the vessel in another form.	244	493
[172] *Mr. Dudley to Mr. Seward	July 18, 1862	Letter from collector at Liverpool. Has retained a solicitor to get up evidence.	244	494
Do..................	July 22, 1862	Difficulty in getting evidence. Affidavits obtained. Consultation with Mr. Collier.	245	494
Do..................	July 25, 1862	Further evidence submitted to customs. Refusal to interfere. Opinion obtained from Mr. Collier.	245	495
Mr. Adams to Mr. Seward......	July 25, 1862	Representations made to British government. Mr. Collier's opinion.	246	496
Mr. Dudley to Mr. Seward......	July 30, 1862	Vessel has sailed without clearance or registry. Steam-tug Hercules said to be taking men and arms for her.	248	499
Mr. Adams to Mr. Seward......	July 31, 1862	Has telegraphed to captain of Tuscarora..	249	500
Do..................	Aug. 1, 1862	Lord Russel's explanation as to delay in orders for detaining the vessel.	249	500
Mr. Dudley to Mr. Seward......	Aug. 1, 1862	Movements of No. 290 and of Tuscarora...	250	501
Do..................	Aug. 6, 1862	Further information as to movements of the vessel.	250	501
Mr. Adams to Mr. Seward......	Aug. 7, 1862	Failure of the Tuscarora to intercept the vessel.	251	502
Mr. Dudley to Mr. Seward......	Aug. 8, 1862	Rumors as to intended movements of No. 290.	251	503
Do..................	Aug. 12, 1862	Vessel said to be off the English or Irish coast.	252	504
Do..................	Aug. 13, 1862	Men and ammunition for No. 290 shipped on board the Bahama.	252	504
Do..................	Aug. 20, 1862	The Bahama supposed to have gone to meet No. 290.	253	505
Mr. Seward to Mr. Adams......	Aug. 25, 1862	Regrets the failure of the Tuscarora to intercept the vessel.	253	505

[173] *PART II.

RECEPTION OF THE ALABAMA IN FOREIGN AND BRITISH PORTS.

No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
1	Consul Lawless to foreign office.	Nov. 26, 1862	Alabama at St. Pierre, Martinique. Escape from San Jacinto. Proceedings of French authorities.	257	509
2	...... do......................	Nov. 26, 1862	Newspaper account of Alabama at St. Pierre.	261	513
3	Admiralty to foreign office....	Feb. 14, 1863	Alabama at Kingston, Jamaica.......	264	516
4	Colonial office to foreign office.	Feb. 14, 1863	Lord Russell's opinion of proceedings of colonial authorities requested.	266	519
5	Foreign office to colonial office.	Feb. 14, 1863	Lord Russell approves proceedings of the governor, and trusts that Alabama has been warned to leave as soon as necessary repairs completed.	268	520

Reception of the Alabama in foreign and British ports—Continued.

No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
6	Admiralty to foreign office....	Mar. 2, 1863	Alabama at Kingston. Further report from Commodore Dunlop.	268	521
7	Colonial office to foreign office.	Mar. 31, 1863	Alabama's departure from Jamaica...	271	524
8	Consul Lennon Hunt to Earl Russell.	Apr. 28, 1863	Alabama at Fernando de Noronha....	272	524
9	Extracts from correspondence laid before Congress, and further dispatches.	....	Alabama, Georgia, and Florida in Brazilian ports. Representations made by United States minister, and replies of Brazilian government.	273	525
10	Mr. Adams to Earl Russell....	Sept. 29, 1863	Alabama at the Cape of Good Hope. Capture of the Sea Bride. Arrival of Tuscaloosa. Correspondence as to her character as a ship of war or prize.	300	558
11	Admiralty to foreign office....	Sept. 26, 1863	Report from Rear-Admiral Sir B. Walker as to proceedings of Alabama and Tuscaloosa at the Cape.	306	564
12	Colonial office to foreign office.	Sept. 29, 1863	Report from Governor Sir P. Wodehouse. Correspondence with Captain Semmes, United States consul, and Rear-Admiral Sir B. Walker.	312	569
13	Earl Russell to Mr. Adams....	Oct. 2, 1863	Acknowledging his note of September 29. The matter is already under consideration of the government.	322	579
14	Law-officers to Earl Russell...	Oct. 19, 1863	Opinion as to the course which should have been pursued as regards the Alabama and her prizes.	322	579
15	Admiralty to foreign office....	Oct. 21, 1863	Report of Captain Forsyth. Proceedings of Tuscaloosa and Sea Bride.	324	581
16	...... do.......................	Oct. 21, 1863	Return of Alabama, Tuscaloosa, and Sea Bride to Augra Pequena. Sale of Sea Bride. Repairs required by Alabama.	325	583
17	Earl Russell to Mr. Adams...	Oct. 29, 1863	Reply to note of September 29. As to the reception of the Alabama and Tuscaloosa at the Cape of Good Hope. The Sea Bride was captured out of neutral waters.	326	584
18	Mr. Adams to Earl Russell....	Oct. 31, 1863	Will forward explanations to his government.	326	584
19	Admiralty to foreign office....	Nov. 24, 1863	Departure of Alabama from the Cape.	327	585
20	Colonial office to foreign office.	Dec. 9, 1863	Instructions addressed to Governor Sir P. Wodehouse.	327	585
21	...... do.......................	Jan. 29, 1864	Explanations of Governor Sir P. Wodehouse.	328	586
22	Admiralty to foreign office....	Feb. 15, 1864	Detention of the Tuscaloosa on returning to the Cape from a cruise.	330	588
23	Colonial office to foreign office.	Feb. 25, 1864	Report from Governor Sir P. Wodehouse as to the detention of the Tuscaloosa.	335	593
24	Admiralty to foreign office....	Feb. 25, 1864	Report from rear-admiral. Passages provided to England for Lieutenant Low and Mr. Sinclair. Survey of Tuscaloosa.	339	597
25	Duke of Newcastle to Governor Sir P. Wodehouse.	Mar. 4, 1864	Instructing him to restore Tuscaloosa to the confederate officer.	342	600
26	Earl Russell to Lord Lyons ...	Mar. 10, 1864	Reasons for restoring the Tuscaloosa. To explain to United States Government.	342	600
27	Duke of Newcastle to Governor Sir P. Wodehouse.	Mar. 10, 1864	Explaining reasons for giving instructions to restore Tuscaloosa.	343	601
*28	[174] Admiralty to Rear-Admiral Sir B. Walker.	Mar. 14, 1864	Instructions for the guidance of naval officers in cases similar to the Tuscaloosa.	344	602
29	Colonial office to foreign office.	Apr. 14, 1864	Claim of United States consul in Mauritius, for restitution of goods brought in by French ship Sirène, said to have been part of the cargo of the Sea Bride.	344	603
30	Lord Lyons to Earl Russell ...	Mar. 28, 1864	Has informed Mr. Seward of the reasons for restoring the Tuscaloosa.	354	612
31	Foreign office to colonial office.	Apr. 25, 1864	Approval of proceedings of colonial authorities in Mauritius.	355	613
32	Colonial office to foreign office.	May 5, 1864	Question as to prize-cargo brought within British jurisdiction by other than the captors.	355	613
33	Foreign office to colonial office.	May 31, 1864	Opinion of law-officers...............	356	614

Reception of the Alabama in foreign and British ports—Continued.

No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
34	Admiralty to foreign office....	May 30, 1864	Report of Captain Forsyth as to proceedings of Sea Bride.	357	615
35	Colonial office to foreign office.	Aug. 31, 1864	Claim of United States consul to Tuscaloosa on behalf of Atlantic Mutual Insurance Company. He is informed that it has been decided to restore her to the officers of the confederate navy.	357	615
36	Admiralty to foreign office....	Sept. 26, 1864	Instructions requested by Commodore Cockburn as to restoring Tuscaloosa, and as to her being refitted.	362	619
37	Foreign office to admiralty....	Oct. 5, 1864	Vessel should be restored to Captain Semmes or agent, but not refitted.	363	620
38	Admiralty to foreign office....	Aug. 17, 1865	Tuscaloosa still at the Cape. What instructions should now be given.	363	621
39	Foreign office to admiralty....	Sept. 8, 1865	She should be given up to any authorized agent of the United States Government.	363	621
40	Admiralty to foreign office....	Jan. 19, 1866	Tuscaloosa delivered to United States consul.	363	621
41	...... do......................	Feb. 9, 1864	Alabama in the Indian Seas. Proposed instructions to commodore.	364	622
42	Foreign office to admiralty....	Feb. 10, 1864	Concur in instructions................	365	623
43	India office to foreign office ...	Apr. 7, 1864	Emma Jane burnt off Anjengo. Crew landed there.	366	624
44	Admiralty to foreign office....	Apr. 27, 1864	Return of Alabama to the Cape, March 20.	371	629
45	...... do......................	May 30, 1864	Coal and provisions supplied. Protest of Captain Semmes against the detention of the Tuscaloosa. Sir B. Walker's remarks.	372	630
46	Extracts from diplomatic correspondence presented to Congress 1864-'65. Part III.	....	Alabama at Cherbourg. Protest of United States Minister. Instructions given by French government.	376	634
47	Mr. Adams to Earl Russell....	June 25, 1864	Destruction of Alabama by Kearsarge. Representation as to assistance rendered to crew of Alabama by Deerhound.	378	637
48	Earl Russell to Mr. Adams....	June 27, 1864	Reply as to proceedings of Deerhound.	380	638
49	Foreign office to Mr. Lancaster.	June 27, 1864	Copies of correspondence with Mr. Adams as to proceedings of Deerhound.	380	639
50	Admiralty to foreign office....	June 27, 1864	Eleven of the crew of the Alabama landed at Eastbourne.	380	639
51	Mr. Clarke to foreign office....	July 4, 1864	Narrative of owner of Deerhound...	381	639
52	Earl Russell to Mr. Adams....	July 8, 1864	Forwarding copy of No. 51	383	642
53	Mr. Lancaster to foreign office.	July 16, 1864	Further account of proceedings of Deerhound.	383	642
54	Lord Lyons to Earl Russell ...	July 8, 1864	Official report of captain of Kearsarge.	385	644
55	Earl Russell to Mr. Adams....	July 26, 1864	Forwarding copy of No. 53. Do not think it necessary to take any further steps in the matter.	386	645
56	Consul Hamond to Earl Granville.	Oct. 10, 1871	Account of the proceedings of Alabama and Kearsarge at and off Cherbourg.	386	545

[175] *PART I.

DEPARTURE FROM LIVERPOOL AND EQUIPMENT AT THE AZORES.

*ALABAMA.

PART I.

DEPARTURE FROM LIVERPOOL AND EQUIPMENT AT THE AZORES.

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, June 23, 1862. (Received June 24.)

MY LORD: Some time since it may be recollected by your lordship that I felt it my duty to make a representation touching the equipment from the port of Liverpool of the gun-boat Oreto with the intent to make war upon the United States. Notwithstanding the statements returned from the authorities of that place, with which your lordship favored me in reply, touching a different destination of that vessel, I have the strongest reason for believing that that vessel went directly to Nassau, and that she has been there engaged in completing her armament, provisioning, and crew for the object first indicated by me.

ALABAMA.—PART I. Correspondence. Departure from Liverpool. Mr. Adams's first representation.

I am now under the painful necessity of apprising your lordship that a new and still more powerful war-steamer is nearly ready for departure from the port of Liverpool on the same errand. This vessel has been built and launched from the dock-yard of persons one of whom is now sitting as a member of the House of Commons, and is fitting out for the especial and manifest object of carrying on hostilities by sea. It is about to be commanded by one of the insurgent agents, the same who sailed in the Oreto. The parties engaged in the enterprise are persons well known at Liverpool to be agents and officers of the insurgents in the United States, the nature and extent of whose labors are well explained in the copy of an intercepted letter of one of them which I received from my Government some days ago, and which I had the honor to place in your lordship's hands on Thursday last.

I now ask permission to transmit, for your consideration, a letter addressed to me by the consul of the United States at Liverpool, in confirmation of the statements here submitted, and to solicit such action as may tend either to stop the projected expedition, or to establish the fact that its purpose is not inimical to the people of the United States.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[This letter is indorsed in Lord Russell's handwriting, "Law-Officers," "Treasury."]

NOTE.—It will be seen from the papers laid before Congress (appended to this correspondence, page 239,) that the United States consul at Liverpool reported to Mr. Seward on the 16th of May that this vessel had been launched, and was stated to be intended for the confederate service. Mr. Adams, however, did not represent the case until the 23d of June.

[178] * *Letter referred to by Mr. Adams.*

LIVERPOOL, *April* 1, 1862.

MAJOR: I have had great difficulties to contend with in shipping the field artillery, which, as I have previously informed you, I should soon send from Hamburg.

Messrs. Fraser, Trenholm & Co., of this city, placed at my disposal a fine ship, the Bahama, which I supposed would take all the batteries. It is found, however, that the cargo is so difficult to stow, that but six to seven batteries can be taken on board the Bahama. I went to Hamburg to superintend in person the shipment; but finding soon after my arrival that every step I took was watched by spies sent from London by the United States minister, as well as by the United States consulate in Hamburg, and learning that this consul had declared publicly that the ship, being known to have confederate government property on board, would be captured, after taking legal advice, and carefully considering the matter, I determined to leave Hamburg, and endeavor to dispose of the business to some purchaser of such merchandise in England.

I accordingly came to this country and sold the whole ten batteries to Captain Blakeley, late of the royal artillery, who is now engaged in the manufacture of artillery. He is now in Hamburg attending to the shipping of the batteries.

Just after my arrival in England I received a telegram from Hamburg, informing me that one of the lighters from which the Bahama was receiving her cargo had been run into by a British steamer under charge of a Hamburg pilot, and sunk, with eight pieces and carriages, &c., on board. There are reasons to believe that the pilot was bribed to commit the act, and the inhabitants of Hamburg being unanimously opposed to the confederacy, it is probable that it will be impossible for me to recover any damages. I have had the satisfaction, however, this morning of receiving a telegram from Captain Blakeley, informing me that the lighter had been raised, and the water being fresh, the carriages are not materially injured.

Immediately on my arrival in England I set about obtaining a ship to take the remainder of the batteries left by the Bahama, and such other articles as might be ready. I have the satisfaction of being able to inform you that I have succeeded in engaging the steamship Melita for this work, and that she leaves Liverpool to-day for Hamburg; from Hamburg she will proceed to London, and there take on board the following articles: 10,000 rifles (about,) 2,000 barrels of powder, 5,000 sets of accouterments, 5,000 knapsacks, 300 cavalry-swords, 10,000 yards of light-blue cloth, 3,000 pairs of shoes, 6,000 bayonet-scabbards, 1,000 cavalry-belts, 250 saddles, &c., complete.

In addition to the above, I have had offered to me about 50,000 pairs of French shoes and 25,000 shirts, (cotton.) If the holder of these shoes and shirts will take my order on the confederate treasury, payable in the confederacy, in payment for them, I shall purchase them. The shoes are of the French army pattern, and although not by any means equal to shoes that I have purchased in England, still I have thought that they would be serviceable, and that possibly they might be much wanted by the army.

I have previously informed you that I have had reason to be entirely satisfied with the London Armory Company in all transactions that I have had with them. The rifles manufactured by this company are so far superior to those obtained from almost every other source, and possessing, moreover, the advantage of being interchangeable, I have requested the chairman to hand to me a tender for supplying 40,000 rifles from their manufactory. Inclosed I have the honor to submit a copy of their proposition.

In case the department should desire me to make this contract, I beg to be informed at the earliest moment, as otherwise I may find it impossible to arrange the matter.

Thinking it possible that the department might desire a smaller bore, I made inquiries on this point, and found that they could make a smaller bore, but not without altering several of the machines. The exterior of the rifle would have to be left the same as at present. It is the opinion of some British officers that the barrel of the Enfield rifle is too light. Making the bore smaller, therefore, would rather be an improvement in giving greater strength to the rifle.

The Austrian bore is slightly smaller than the English, but almost every other European government rifle is of a larger bore. The Austrian rifle is a very serviceable weapon, though to one accustomed to Enfield and Springfield arms they have a very rough appearance. I am in a position to purchase 20,000 to 30,000 Austrian rifles, at about £2 each, say $10. At present I am not in a position, as regards funds, to make the purchase, inasmuch as I owe, at least, $400,000 more than I have the means of paying.

[179] * I have thought it necessary, in the discharge of my duty, to press the credit of the confederacy as far as possible, without endangering its good name; but I must now limit myself to the contracts already made.

I must pay my debts before doing anything more. As soon, however, as money sufficient for the purpose is received, I shall at once invest it (unless I receive orders to the contrary) in four batteries of Austrian rifled field artillery, 32 guns, suitable for gun-cotton as well as for powder, which guns I have already secured, and 20,000 rifles now in the Vienna arsenal. Unless I should be able to purchase a large number, like 10,000 to 20,000, I should not, without special orders, depart from the Enfield bore, not that the Austrian bore is too small, but because of the great importance of the uniformity of bore.

It has given me great concern that I have not been able to make better arrangements for running in the several cargoes that have been forwarded.

It is impossible, as I have stated in my previous letters, to obtain vessels with capacity for cargo and coal for so long a voyage that have at the same time the requisite speed for attempting the blockade.

I have endeavored to purchase a very fast paddle-wheel steamer, to run from Nassau to the coast. But I have no money now for any purpose. I should not hesitate to appropriate money to this object, even without orders, seeing how long the Gladiator was detained at Nassau, and considering the great importance of these goods being safely landed.

The Economist, Lieutenant Fauntleroy, was at Bermuda on the 6th of March, expecting to sail the next morning. As we have dates from New York to the 20th of March, with no account of the Economist, I have strong hopes that she arrived at a confederate port.

The steamer Minna sailed while I was in Hamburg. It was intended that she should take 500 barrels of gunpowder. I found on my return to London, however, that the powder had been shut out on account of the vessel being full. Had I been in London I should have sent powder in preference to anything else.

On board the Minna, consigned to J. Audley and Co., are the following article for the confederate government: 5,900 knapsacks and boards, 5,690 sets of accouterments, 1,840 gun-slings, 992 saber-belts, 4,500 yards of cloth, (light blue,) 1,850 sabers, 5,700 rifles, 300 pairs of shoes, 16 sets of saddlery.

Correct invoices have been sent by the Minna to Nassau.

The Melita will sail from London with a very valuable cargo in about fifteen days.

I have requested Lieutenant North, of the navy, to take charge of her, but have not yet received his reply. Should it be in the negative, I shall endeavor to obtain an officer from the Sumter, still lying at Gibraltar.

The Melita is, for a screw-steamer, quite fast, and with an enterprising officer on board could, I am confident, be run in. There will be several large field howitzers so placed that, without disturbing the general cargo, they can be taken to the deck and then mounted, and with these quite a good defense could be made against wooden gun-boats.

I have, &c.,

CALEB HUSE,
Captain of Artillery.

[Inclosure in No. 1.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool. June 21, 1862.

Consul Dudley's report.

SIR: The gun-boat now being built by the Messrs. Laird & Co., at Birkenhead, opposite Liverpool, and which I mentioned to you in a previous dispatch, is intended for the so-called confederate government in the Southern States. The evidence I have is entirely conclusive to my mind. I do not think there is the least room for doubt about it. Beaufort and Caddy, two of the officers from the privateer Sumter, stated that this vessel was being built for the Confederate States. The foreman in Messrs. Laird's yard says she is the sister to the gunboat Oreto, and has been built for the same parties and for the same purpose; when pressed for a further explanation he stated that she was to be a privateer for the "southern government in the United States." The captain and officers of the steamer Julia Usher, now at Liverpool, and which is loaded to run the blockade, state that this gun-boat is for the confederates, and is to be commanded by Captain Bullock. [180] *The strictest watch is kept over this vessel; no person except those immediately engaged upon her is admitted into the yard. On the occasion of the trial-trip made last Thursday week no one was admitted without a pass, and these passes were issued to but few persons, and those who are known here as active secessionists engaged in sending aid and relief to the rebels.

I understand that her armament is to consist of eleven guns, and that she is to enter at once, as soon as she leaves this port, upon her business as a privateer.

The vessel is very nearly completed; she has had her first trial-trip. This trial was successful, and entirely satisfactory to the persons who are superintending her construction. She will be finished in nine or ten days. A part of her powder-canisters, which are to number 200, and which are of a new patent, made of copper with screw tops, are on board the vessel; the others are to be delivered in a few days. No pains or expense have been spared in her construction. Her engines are on the oscillating principle, and are 350 horse-power. She measures 1,050 tons burden, and will draw 14 feet water when loaded. Her screw or fan-works in a solid brass frame casting, weighing near two tons, and is so constructed as to be lifted from the water by steam-power. The platforms and gun-carriages are now being constructed.

When completed and armed she will be a most formidable and dangerous craft; and, if not prevented from going to sea, will do much mischief to our commerce. The persons engaged in her construction say that no better vessel of her class was ever built.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

No. 2.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 25, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, calling attention to a steam-vessel which you state is now fitting out at Liverpool with the intention of carrying on hostilities against the Government of the United States; and I have to acquaint you that I have lost no time in referring the matter to the proper department of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 3.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *June* 25, 1862.

First communication from Foreign Office to treasury.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from the United States minister at this court calling attention to a steamer reported to be fitted out at Liverpool as a southern privateer, and inclosing a copy of a letter from the United States consul at that port, reporting the result of his investigations into the matter;[1] and I am to request that you will move the lords commissioners of Her Majesty's treasury to cause immediate inquiries to be made respecting this vessel and to take such steps in the matter as may be right and proper.

I am, &c.,
(Signed) E. HAMMOND.

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[181]

*No. 4.

Mr. Hammond to the law-officers of the Crown.

FOREIGN OFFICE, *June* 25, 1862.

First reference to law-officers.

GENTLEMEN: I am directed by Earl Russell to transmit to you a letter from the United States minister at this court, calling attention to a steamer reported to be fitting out at Liverpool as a southern privateer, and inclosing a copy of a letter from the United States consul at that port reporting the result of his investigations into the matter;[1] and I am to request that you will take these papers into your consideration and favor Lord Russell with any observations you may have to make upon this question.

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[1] No. 1.

I am, &c.,
(Signed) E. HAMMOND.

No. 5.

The law-officers of the Crown to Earl Russell.

TEMPLE, *June* 30, 1862. (Received July 2.)

First report of attorney and solicitor general.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 25th June instant, stating that he was directed by your lordship to transmit to us a letter from the United States minister at this court, calling attention to a steamer reported to be fitted out at Liverpool as a southern privateer, and inclosing a copy of a letter from the United States consul at that port, reporting the result of his investigations into the matter, and to request that we would take these papers into our consideration and favor your lordship with any observations we might have to make upon this question.

In obedience to your lordship's demands we have taken these papers into consideration, and have the honor to report:

That, if the representation made to Her Majesty's government by Mr. Adams is in accordance with the facts, the building and equipment of the steamer in question is a manifest violation of the foreign-enlistment act, and steps ought to be taken to put that act in force and to prevent the vessel from going to sea.

The report of the United States consul at Liverpool, inclosed by Mr. Adams, besides suggesting other grounds of reasonable suspicion, contains a direct assertion that the foreman of Messrs. Laird, the builders, has stated that this vessel is intended as a privateer for the service of the government of the Southern States; and, if the character of the vessel and of her equipment be such as the same report describes them to be, it seems evident that she must be intended for some warlike purpose.

Under these circumstances we think that proper steps ought to be taken, under the direction of Her Majesty's government, by the authorities of the customs at Liverpool, to ascertain the truth, and that, if sufficient evidence can be obtained to justify proceedings under the foreign-enlistment act, such proceedings should be taken as early as possible. In the mean time Mr. Adams ought, we think, to be informed that Her Majesty's government are proceeding to investigate the case; but that the course which they may eventually take must necessarily depend upon the nature and sufficiency of any evidence of a breach of the law, which they may be enabled to obtain; and that it will be desirable that any evidence in the possession of the United States consul at Liverpool should be at once communicated to the officers of Her Majesty's customs at that port.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.

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[1] No. 1.

No. 6.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS,
July 2, 1862. (Received July 2.)

SIR: With reference to your letter of 25th ultimo, transmitting copy Report of commissioners of customs of a letter from the United States minister, calling attention to a steamer reported to be fitting out at *Liverpool as [182] a southern privateer, I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that their lordships have referred the subject to the commissioners of customs; and I beg to transmit copy of their report thereon, dated 1st instant.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure in No. 6.]

Report by the commissioners of customs.

To the lords commissioners of Her Majesty's treasury:

Your lordships having referred to us the annexed letter from Mr. Hammond, the under-secretary of state for foreign affairs, transmitting, by desire of Earl Russell, copy of a letter from the United States minister at this court, calling attention to a steamer reported to be fitting out at Liverpool as a southern privateer, and inclosing copy of a letter from the United States consul at that port reporting the result of his investigation into the matter, and requesting that immediate inquiries be made respecting this vessel, and such steps taken in the matter as may be right and proper-

We report, immediately on receipt of your lordship's reference, we forwarded the papers to our collector at Liverpool for his special inquiry and report, and we learn from his reply that the fitting out of the vessel has not escaped the notice of the officers of this revenue, but that, as yet, nothing has transpired concerning her which has appeared to demand a special report.

We are informed that the officers have at all times free access to the building-yards of the Messrs. Laird, at Birkenhead, where the vessel is lying; and that there has been no attempt on the part of her builders to disguise what is most apparent, that she is intended for a ship of war; and one of the surveyors in the service of this revenue, who had been directed by the collector personally to inspect the vessel, has stated that the description of her in the communication of the United States consul is correct, with the exception that her engines are not constructed on the oscillating principle. Her dimensions are as follows: Length, 211 feet 6 inches; breadth, 31 feet 8 inches; depth, 17 feet 8 inches; and her gross tonnage, by the present rate of admeasurement, is 682.31 tons. The surveyor has further stated that she has several powder-canisters on board, but, as yet, neither guns nor carriages, and that the current report in regard to the vessel is that she has been built for a foreign government, which is not denied by the Messrs. Laird, with whom the surveyor has conferred; but they do not appear disposed to reply to any questions respecting the destination of the vessel after she leaves Liverpool. And the officers have no other reliable source of information on that point, and, having referred the matter to our solicitor, he has reported his opinion that, at present, there is not sufficient ground to warrant the detention of the vessel or any interference on the part of this department, in which report we beg to express our concurrence. And with reference to the statement of the United States consul, that the evidence he has in regard to this vessel being intended for the so-called confederate government in the Southern States is entirely conclusive to his mind, we would observe that, inasmuch as the officers of customs at Liverpool would not be justified in taking any steps against the vessel unless sufficient evidence to warrant her detention should be laid before them, the proper course would be for the consul to submit such evidence as he possesses to the collector at that port, who would thereupon take such measures as the provisions of the foreign-enlistment act would require. Without the production of full and sufficient evidence to justify their proceedings the seizing officers might entail on themselves and on the government very serious consequences.

We beg to add that the officers at Liverpool will keep a strict watch on the vessel, and that any further information that may be obtained concerning her will be forthwith reported.

(Signed) THOS. F. FREEMANTLE,
GRENVILLE C. L. BERKELEY.

CUSTOM-HOUSE, *July* 1, 1862.

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[183] **Report of the solicitor of customs referred to in the preceding letter.*

First report of customs solicitor.

At present there is not sufficient to show that the vessel in question falls within the provisions of the seventh section of the foreign-equipment act, or to give the board of officers of this revenue power to interfere in this case. The officers at Liverpool have acted discreetly in keeping a watch upon her, and should continue to do so, immediately reporting to the board any circumstances that they may consider to call for directions, or advisable to bring under the board's notice; but the officers ought not to move in the matter without the clearest evidence of a distinct violation of the foreign-enlistment act, nor unless at a moment of great emergency, the terms of the act being extremely technical, and the requirements as to intent being very rigid. It may be that the ship, having regard to her cargo as contraband of war, might be unquestionably liable to capture and condemnation, yet not liable to detention under the foreign-enlistment act, and the seizors might entail upon themselves very serious consequences.

(Signed) F. J. HAMEL.

JUNE 30, 1862.

The following is the report of the collector referred to:

LIVERPOOL, *June* 28, 1862.

Report of customs surveyor at Liverpool.

HONORABLE SIRS: The particulars of the vessel alluded to in the inclosed papers are given as far as is known, in the report of the surveyor, and which I respectfully submit for the information of the board.

(Signed) S. PRICE EDWARDS.

Surveyor's report.

LIVERPOOL, *June* 28, 1862.

SIR: I most respectfully beg to report that the vessel to which these papers refer has not escaped the notice of the customs officers, but, as yet, nothing has transpired concerning her which appeared to demand a special report.

The officers have at all times free access to the building-yards of the Messrs. Laird at Birkenhead, where the said vessel is now lying, and there has been no attempt on the part of her builders to disguise what is most apparent to all—that she is intended for a ship of war.

Agreeably with your directions, I have personally inspected her, and find that she is rightly described in the communication of the United States consul, except that her engines are not on the oscillating principle. Her dimensions are as follows: length, 211 feet 6 inches; breadth, 31 feet 8 inches; depth, 17 feet 8 inches, and her gross tonnage by the present rule of admeasurement is 682.31 tons.

She has several powder-canisters on board, but neither guns nor carriages as yet.

The current report of that vessel is that she has been built for a foreign government, and that is not denied by the Mesrs. Laird, with whom I have communicated upon the subject, but they do not appear disposed to reply to any question with reference to the destination of the vessel after she leaves this port, and we have no other reliable source of information.

It will be in your recollection that the current report of the gun-boat Oreto was, that she had been built for a foreign government, which vessel recently left this port under a British flag, without any guns or ammunition on board, as previously reported.

I beg to add that any further information that may be obtained concerning the vessel referred to will be immediately reported, agreeably with your directions.

Very respectfully,
(Signed) E. MORGAN,
Surveyor.

[184] *No. 7.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 4, 1862.

Report of customs commissioners sent to Mr. Adams with suggestion that Consul Dudley should furnish evidence in support of the statements in his letter.

SIR: With reference to my letter of the 25th ultimo I have the honor to inclose a copy of a report from the commissioners of customs respecting the vessel which you have been informed is being built at Liverpool for the government of the so-styled Confederate States, and in accordance therewith I would beg leave to suggest that you should instruct the United States consul at Liverpool to submit to the collector of customs at that port such evidence as he may possess tending to show that his suspicions as to the destination of the vessel in question are well-founded.

I am, &c.,
(Signed) RUSSELL.

[Inclosure in No. 7.]

Report of the commissioners of customs to the lords commissioners of the treasury, July 1, 1862.

[See inclosure in No. 6.]

No. 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 7, 1862. (Received July 8.)

MY LORD: I have the honor to acknowledge the receipt of your note of the 4th instant, covering a copy of the report from the commissioners of customs respecting a vessel presumed by me to be in course of preparation at Liverpool to carry on hostile operations against the United States.

In accordance with your lordship's suggestion I shall at once instruct the consul of the United States to submit to the collector of customs at that port such evidence as he possesses to show that the suspicions he entertains of the character of that vessel are well founded.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 9.

The collector, Liverpool, to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, July* 10, 1862.

Correspondence between Consul Dudley and Collector Edwards.

HONORABLE SIRS: I have this morning received the inclosed communication from the American consul, Mr. Dudley, which I respectfully submit for the consideration of the board. I annex the copy of my letter to the consul, acknowledging his communication, and I beg a reference to the inclosed report of this day's date, from Mr. Morgan, the surveyor, showing the state which the vessel is now in. If she is for the confederate service, the builders and parties interested are not likely to commit themselves by any act which would subject them to the penal provisions of the foregn-enlistment act.

(Signed) S. PRICE EDWARDS.

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[185] *[Inclosure 1 in No. 9.]

Surveyor's report.

SURVEYOR'S OFFICE, *July* 10, 1862.

Report of Surveyor Morgan.

Vessel has no guns or carriages on board, nor are platforms fitted.

SIR: I beg to report that, agreeably with your directions, I have this day inspected the steamer lying at the building-yard of the Messrs. Laird of Birkenhead, and find that she is in the same state, as regards her armament, as on the date of my former report.

She has no guns or carriages on board, nor are her platforms fitted to the deck.

Very respectfully,
(Signed) E. MORGAN.

[Inclosure 2 in No. 9.]

The United States consul to the collector of customs, Liverpool.

LIVERPOOL, *July* 9, 1862.

Statement furnished by Consul Dudley to Collector Edwards.

SIR: In accordance with a suggestion of Earl Russell in a communication to Mr. Adams, the American minister in London, I beg to lay before you the information and circumstances which have come to my knowledge relative to the gun-boat now being fitted out by Messrs. Laird at Birkenhead, for the confederates of the Southern United States of America, and intended to be used as a privateer against the United States.

On my arrival, and taking charge of the consulate at Liverpool, in November last, my attention was called by the acting consul and by other persons to two gun-boats being or to be fitted out for the so-called confederate government; the Oreto, fitted out by Mr. Miller and Messrs. Fawcett, Preston & Co., and the one now in question. Subsequent events fully proved the suspicion with regard to the Oreto to be well founded; she cleared from Liverpool in March last for Palermo and Jamaica, but sailed direct for Nassau, where she now is receiving her armament as a privateer, for the so-called confederate government; and my attention was called repeatedly to the gun-boat building by Mr. Laird, by various persons, who stated that she also was for a confederate privateer, and was being built by the Messrs. Lairds for that express purpose.

In May last, two officers of the southern privateer, Sumter, named Caddy and Beaufort, passed through Liverpool on their way to Havana and Nassau, and while here stated that there was a gun-boat building by Mr. Laird, at Birkenhead, for the southern confederacy: and not long after that a foreman employed about the vessel in Mr. Laird's yard stated that she was the sister of the Oreto, and intended for the same service, and when pressed for an explanation, further stated that she was to be a privateer for the southern government in the United States.

When the vessel was first tried, Mr. Wellsman, one of the firm of Fraser, Trenholm & Co., (who are well known as agents for the confederate government,) Andrew and Thomas Byrne, and other persons, well known as having been for months actively engaged in sending munitions of war for said government, were present, and have accompanied her on her various trials, as they had accompanied the Oreto on her trial-trip, and on her departure.

In April last the southern screw-steamer Annie Child, which had run the blockade out of Charleston, and the name of which was changed at this port to the Julia Usher, was laden with munitions of war, consisting of a large quantity of powder, rifled cannon, &c., by Messrs. Fraser, Trenholm & Co. for the southern confederacy, and left Liverpool to run the blockade under the command of a Captain Hammer, and having on board several of the crew of the privateer Sumter, to which I have before referred.

For some reason unknown this vessel came back and is now here. Since her return a youth named Robinson, who had gone in her as a passenger, has stated that the gun-boat building at Laird's for the southern confederacy was a subject of frequent conversation among the officers while she (the Julia Usher) was out. That she was all the time spoken of as a confederate vessel; that Captain Bullock was to command her; that the money for her was advanced by Fraser, Trenholm & Co.; that she was not to make any attempt to run the blockade, but would go at once as a privateer; that she was to mount eleven guns; and that if the Julia Usher was not going, the six men from the Sumter, who were on board the Julia Usher, were to join the gun-boat. This youth, being a native of New Orleans, was extremely anxious to get taken on [186] *board the gun-boat, and wished the persons he made the communication to to assist him, and see Captain Bullock on his behalf. He has, I understand, been removed to a school in London. With reference to his statement, I may observe, that Captain Hammer, referred to, is a South Carolinian, has been many years in Fraser, Trenholm & Co.'s employ, is greatly trusted by them, and is also intimate with Captain Bullock, so that he would be likely to be well informed on the subject; and as he had no notion at that time of returning to Liverpool, he would have no hesitation in speaking of the matter to his officers, and the persons from the Sumter. I may also state that Captain Bullock referred to is in Liverpool; that he is an officer of the confederate navy; that he was sent over here for the express purpose of fitting out privateers, and sending over munitions of war; that he transacts his business at the office of Fraser, Trenholm & Co.; that he has been all the time in communication with Fawcett, Preston & Co., who fitted out the Oreto, and with Lairds, who are fitting out this vessel; that he goes almost daily on board the gun-boat, and seems to be recognized as in authority.

A Mr. Blair, of Paradise street, in this town, who furnished the cabins of the Laird gun-boat, has also stated that all the fittings and furniture were selected by Captain Bullock, and were subject to his approval, although paid for by Mr. Laird.

The information on which I have formed an undoubting conviction that this vessel is being fitted out for the so-called confederate government, and is intended to cruise against the commerce of the United States, has come to me from a variety of sources, and I have detailed it to you as far as practicable. I have given you the names of persons making the statements, but as the information in most cases is given to me by persons out of friendly feeling to the United States, and in strict confidence, I cannot state the names of my informants, but what I have stated is of such a character that little inquiry will confirm its truth.

Everything about the vessel shows her to be a war-vessel; she has well constructed magazines; she has a number of canisters of a peculiar and expensive construction for containing powder; she has platforms already screwed to her decks for the reception of swivel-guns. Indeed, the fact that she is a war-vessel is not denied by Messrs. Laird, but they say she is for the Spanish government. This they stated on the 3d of April last, when General Burgoyne visited their yard, and was shown over it, and the various vessels being built there by Messrs. John Laird, jr., and Henry H. Laird, as was fully reported in the papers at the time.

Seeing the statement, and having been already informed from so many respectable sources, that she was for the so-called confederate government, I at once wrote to the minister in London, to ascertain from the Spanish embassy whether the statement was true. The reply was a positive assurance that she was not for the Spanish government. I am therefore authorized in saying that what was stated on that occasion, as well as statements since made that she is for the Spanish government, is untrue.

I am satisfied beyond a doubt that she is for a Confederate war-vessel.

If you desire any personal explanation or information, I shall be happy to attend you whenever you may request it.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 3 in No. 9.]

The collector of customs, Liverpool, to the United States consul.

LIVERPOOL, *July* 10, 1862.

Consul Dudley informed by Collector Edwards that he considers the statement could not be acted upon unless legally substantiated by evidence.

SIR: I beg to acknowledge the receipt of your communication of yesterday's date, (received this morning,) and to acquaint you that I shall immediately submit the same for the consideration and direction of the board of customs, under whom I have the honor to serve. I may observe, however, that I am respectfully of opinion the statement made by you is not such as could be acted upon by the officers of this revenue, unless legally substantiated by evidence.

I have, &c.,
(Signed) S. PRICE EDWARDS.

[187] *No. 10.

The commissioners of customs to the collector at Liverpool.

CUSTOM-HOUSE, *London, July* 15, 1862.

SIR: Having considered your report of the 10th instant, inclosing a communication which you had received from Mr. T. H. Dudley, American consul at Liverpool, apprising you of certain circumstances relative to a vessel which he states is now being fitted out by Messrs. Laird at Birkenhead, as a gun-boat for the so-called confederate government of the Southern States of America, and intended to be used as a privateer against the United States, and having communicated with our solicitor on the subject, we acquaint you that there does not appear to be *prima facie* proof suffiicent in the statement of the consul to justify the seizure of the vessel, and you are to apprise the consul accordingly.

Collector Edwards informed by customs commissioners that there is not sufficient *prima facie* proof to justify the seizure of the vessel.

We transmit, for your information, a copy of the report of our solicitor on the matter, dated the 11th instant.

(Signed) FREDERICK GOULBURN.
R. W. GREY.

No. 11.

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *July* 17, 1862.

SIR: Referring to the report of this board to the lords commissioners of Her Majesty's treasury, dated the 1st instant, upon a letter forwarded to them by their lordships, from Mr. Hammond, under-secretary of state for foreign affairs, inclosing copy of a letter from the United States minister at this court, calling attention to a war-steamer reported to be fitting out at Liverpool for the so-called confederate government of the Southern States of America, as a privateer against the United States, in which report the board informed their lordships of the result of the inquiry which they had made into the matter, and stated that any further information which might be obtained concerning her would be forthwith reported, I am desired to transmit herewith, for the information of their lordships, copy of a letter from the American consul at Liverpool to the collector of customs at that port, relative to the vessel in question, together with copy of a report of the solicitor of this department thereon; and to acquaint you that the board have informed their collector at Liverpool that they do not consider there is *prima facie* proof sufficient in the consul's statement to justify the seizure of that vessel, and have instructed him to apprise the consul accordingly.

Correspondence with Collector Edwards, and report of customs solicitor, communicated by customs commissioners to the treasury.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure in No. 11.]

Report from the solicitor to the customs.

There is only one proper way of looking at this question. If the collector of customs were to detain the vessel in question, he would, no doubt, have to maintain the seizure by legal evidence in a court of law, and to pay damages and costs in case of failure. Upon carefully reading the statement I find the greater part, if not all, is hearsay and inadmissible, and as to a part the wit-

Second report of customs solicitor.

nesses are not forthcoming or even to be named. It is perfectly clear to my mind that there is nothing in it amounting to *prima facie* proof sufficient to justify a seizure, much less to support it in a court of law, and the consul could not expect the collector to take upon himself such a risk in opposition to rules and principles by which the Crown is governed in matters of this nature.

(Signed) F. J. HAMEL.

JULY 11, 1862.

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*No. 12.

Mr. Hamilton to Mr. Layard.

TREASURY, *July* 22, 1862. (Received July 23.)

First affidavits forwarded through treasury to Foreign Office.

MY DEAR MR. LAYARD: As the communication may be considered pressing, I send it to you unofficially, to save time. Perhaps you will ascertain from Lord Russell whether it is his wish that we should take the opinion of the law-officers as to the case of this vessel. It is stated that she is nearly ready for sea.

Sincerely yours,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 12.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *July* 22, 1862.

Instructions given by commissioners of customs to Collector Edwards, and opinion of customs solicitor reported to treasury. Commissioners suggest that it may be advisable to consult the law-officers.

SIR: With reference to the report of this board of the 1st instant, respecting a vessel fitting out at Liverpool, which it is stated is intended to be used as a privateer by the so-called Confederate States of America—

I am directed to state that the board have this day received a report from their collector at Liverpool, inclosing affidavits which have been made before him with a view to the detention of the vessel; and in transmitting to you, by desire of the board, the accompanying copy of the collector's report, with the affidavits referred to, I am to state that the board, having communicated with their solicitor, are advised that the evidence is not sufficient to justify any steps being taken against the vessel under either the sixth or seventh section of the act 59 George III, cap. 69, and they have apprised the collector at Liverpool accordingly, informing him at the same time that the solicitor has also stated that if there should be sufficient evidence to satisfy a court of the enlistment of individuals, they would be liable to pecuniary penalties, for security of which, if recovered, the customs might detain the ship until those penalties are satisfied, or good bail given; but that there is not evidence enough of enlistment to call upon the customs to prosecute, although the United States consul, or any other person, may do so at their own risk if they see fit.

I am, however, to submit, should the lords commissioners of Her Majesty's treasury have any doubt upon the subject, whether it may not be advisable that the opinion of the law-officers of the Crown should be taken.

I am, &c.,
(Signed) J. G. GARDNER.

[Inclosure 2 in No. 12.]

The collector of customs, Liverpool, to the commissioner of customs.

LIVERPOOL, *July* 21, 1862.

Report of Collector Edwards forwarding affidavits to commissioners of customs. Ship appears to be ready for sea. Nothing has been done to her since his first report, nor anything except coals taken on board.

HONORABLE SIRS: The United States consul, accompanied by his solicitor, Mr. Squarey, has just been here with the witnesses, whose affidavits are inclosed, requesting me to seize the gun-boat alluded to in your honor's order of the 15th instant, upon the evidence adduced by him, that the gun-boat has been fitted out by Messrs. Laird, of Birkenhead, for the confederate government of the Southern States.

The only evidence of importance, as appears to me, is that of William Passmore, who had engaged himself as a sailor to serve in the vessel.

I shall feel obliged by the board being pleased to instruct me, by telegraph, how I am to act, as the ship appears to be ready for sea, and may leave any hour she pleases.

Respectfully,
(Signed) S. PRICE EDWARDS.

P. S.—Nothing has been done to her since my first representation, nor has anything besides coals been placed in her.

S. P. E.

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[189] *[Inclosure 3 in No. 12.]

Depositions.

I, William Passmore, of Birkenhead, in the county of Chester, mariner, make oath and say as follows:

Affidavit of William Passmore.

1. I am a seaman, and have served as such on board Her Majesty's ship Terrible during the Crimean war.

2. Having been informed that hands were wanted for a fighting-vessel built by Messrs. Laird & Co., of Birkenhead, I applied on Saturday, which was, I believe, the 21st day of June last, to Captain Butcher, who, I was informed, was engaging men for the said vessel, for a berth on board her.

3. Captain Butcher asked me if I knew where the vessel was going, in reply to which I told him I did not rightly understand about it. He then told me the vessel was going out to the government of the Confederate States of America. I asked him if there would be any fighting, to which he replied yes; they were going to fight for the southern government. I told him I had been used to fighting-vessels, and showed him my papers. I asked him to make me signalman on board the vessel, and in reply he said that no articles would be signed until the vessel got outside; but he would make me signalman, if they required one, when they got outside.

4. The said Captain Butcher then engaged me as an able seaman on board the said vessel at the wages of £4 10*s.* per month; and it was arranged that I should join the ship in Messrs. Laird & Co.'s yard on the following Monday. To enable me to get on board Captain Butcher gave me a password, the number "290."

5. On the following Monday, which was, I believe, the 23d day of June last, I joined the said vessel in Messrs. Laird & Co.'s yard at Birkenhead, and I remained by her till Saturday last.

6. The said vessel is a screw-steamer of about 1,100 tons burden, as far as I can judge, and is built and fitted up as a fighting-ship in all respects; she has a magazine and shot and canister racks on deck, and is pierced for guns, the sockets for the bolts of which are laid down. The said vessel has a large quantity of stores and provisions on board, and she is now lying at the Victoria wharf in the great float at Birkenhead, where she has taken in about 300 tons of coal.

7. There are now about thirty hands on board her, who have been engaged to go out in her; most of them are men who have previously served on board fighting-ships; and one of them is a man who served on board the confederate steamer Sumter. It is well known by the hands on board that the vessel is going out as a privateer for the confederate government to act against the United States under a commission from Mr. Jefferson Davis. Three of the crew are, I believe, engineers, and there are also some firemen on board.

8. Captain Butcher and another gentleman have been on board the ship almost every day. It is reported on board the ship that Captain Butcher is to be the sailing-master, and that the other gentleman, whose name, I believe, is Bullock, is to be the fighting-captain.

9. To the best of my information and belief, the above-mentioned vessel, which I have heard is to be called the Florida, is being equipped and fitted out in order that she may be employed in the service of the confederate government in America to cruise and to commit hostilities against the Government and people of the United States of America.

(Signed) WILLIAM PASSMORE.

Sworn before me at the custom-house, Liverpool, this 21st day of July, 1862.
(Signed) S. PRICE EDWARDS,
Collector.

I, John de Costa, of No. 8 Waterloo Road, Liverpool, shipping-master, make oath and say as follows:

Affidavit of John de Costa.

1. I know and have for several months known, by sight, Captain Bullock, who is very generally known in Liverpool as an agent or commissioner of the Confederate States in America.

2. In the month of March last I saw the screw-steamer Annie Childs, which had run the blockade from Charleston, enter the river Mersey. She came up the Mersey with the confederate flag flying at her peak; and I saw the Oreto, a new gun-boat which had been recently built by Messrs. W. C. Miller & Sons, and which was [190] then *lying at anchor in the river off Egremont, dip her colors three times in acknowledgment of the Annie Childs, which vessel returned the compliment, and a boat was immediately afterwards dispatched from the Annie Childs to the Oreto, with several persons on board, besides the men who were at the oars.

3. On the 22d day of March last I was on the north landing-stage between 7 and 8 o'clock in the morning; I saw the said Captain Bullock go on board a tender, which afterwards took him off to the said gun-boat Oreto, which was then lying in the Sloyne. Just before he got on board the tender he shook hands with a gentleman who was with him, and said to him, "This day six weeks you will get a letter from me from Charleston," or words to that effect.

4. On the same day, between 11 and 12 o'clock, as well as I can remember, I saw the Oreto go to sea. She came well in on the Liverpool side of the river, and from the Princess pier-head, where I was standing, I distinctly saw the said Captain Bullock on board her, with a person who had been previously pointed out to me by a fireman who came to Liverpool in the Annie Childs as a Charleston pilot, who had come over in the Annie Childs with Captain Bullock to take the gun-boat out.

(Signed) JOHN DE COSTA.

Sworn before me, at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS,
Collector.

I, Allan Stanley Clare, of Liverpool, in the county of Lancaster, articled clerk, make oath and say as follows:

Affidavit of Allan S. Clare.

1. On the 21st day of July now instant I examined the book at the Birkenhead dockmaster's office, at Birkenhead, containing a list of all vessels which enter the Birkenhead docks, and I found in such book an entry of a vessel described as No. 290, and from the entries in the said book, in reference to such vessel, it appears that she is a screw-steamer, and that her registered tonnage is 500 tons, and that Matthew J. Butcher is her master.

(Signed) ALLEN S. CLARE.

Sworn before me, at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS,
Collector.

We, Henry Wilding, of Liverpool, in the county of Lancaster, gentleman, and Matthew Maguire, of Liverpool, aforesaid, agent, make oath, and say as folows:

Affidavits of Henry Wilding and Matthew Maguire.

1. I, the said Matthew Maguire, for myself, say that on the 15th day of July now instant I took Richard Bragan, whom I know to be an apprentice working in the ship-building yard of Messrs. Laird & Co., at Birkenhead, to the above-named deponent, Henry Wilding, at his residence at New Brighton.

2. And I, the said Henry Wilding, for myself, say as follows: I am the vice-consul of the United States of North America, at Liverpool.

3. On the 15th day of July now instant I saw the said Richard Brogan and examined him in reference to a gun-boat which I had heard was being built by the said Messrs. Laird & Co. for the so-called confederate government, and the said Richard Brogan then informed me that the said vessel was built to carry four guns on each side and four swivel guns; that Captain Bullock had at one time, when the vessel was in progress, come to the yard almost every day to select the timber to be used for the vessel. That the said Captain Bullock was to be the captain of the said vessel; and that the said Captain Bullock had asked the said Richard Brogan to go as carpenter's mate in the said vessel for three years, which the said Richard Brogan had declined to do, because Mr. Laird, who was present at the time, would not guarantee his wages. That the said vessel was to carry 120 men, and that 30 able seamen were already engaged for her. That the petty officers for the said vessel were to be engaged for three years and the seamen for five months. That the said vessel was then at the end of the new warehouses in the Birkenhead dock, and that it was understood she was to take her guns on board at Messrs. Laird & Co.'s shed farther up the dock; and that it was generally understood by the men in Messrs. Laird & Co.'s yard that the said vessel was being built for the confederate government.

[191] *4. The vessel above mentioned is the same which is now known as No. 290, and I verily believe that the said vessel is in fact intended to be used as a privateer or vessel of war, under a commission from the so-called confederate government, against the United States Government.

(Signed) H. WILDING.
MATTHEW MAGUIRE.

Sworn before me at the custom-house, Liverpool, this 21st day of July, 1862.
(Signed) S. PRICE EDWARDS, *Collector.*

Affidavit of Consul Dudley.

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, in the borough of Liverpool, in the county of Lancaster, esq., being one of the people called Quakers, affirm and say as follows:

1. I am the consul of the United States of North America for the port of Liverpool and its dependencies.

2. In the month of July, in the year 1861, information was sent by the United States Government to the United States consulate at Liverpool that a Mr. James D. Bullock, of Savannah, in the State of Georgia, who was formerly the master of an American steamer called the Cahawba, was reported to have left the United States for England, taking with him a credit for a large sum of money, to be employed in fitting out privateers, and also several commissions issued by the Southern Confederate States for such privateers; and in the month of August, in the year 1861, information was sent by the United States Government to the United States consulate at Liverpool that the said Captain Bullock was then residing near Liverpool, and acting as the agent of the said Confederate States in Liverpool and London.

3. In accordance with instructions received from the Government of the United States, steps have been taken to obtain information as to the proceedings and movements of the said James D. Bullock, and I have ascertained the following circumstances, all of which I verily believe to be true, viz: That the said James D. Bullock is in constant communication with parties in Liverpool who are known to be connected with, and acting for, the parties who have assumed the government of the Confederate States. That the said James D. Bullock, after remaining for some time in England, left the country, and, after an absence of several weeks, returned to Liverpool in the month of March last, from Charleston, in the State of South Carolina, one of the seceded States, in a screw-steamer then called the Annie Childs, which had broken the blockade of the port of Charleston, then and now maintained by the United States Navy, and which vessel, the Annie Childs, carried the flag of the Confederate States as she came up the Mersey. That shortly after the arrival of the said James D. Bullock at Liverpool in the Annie Childs, as above mentioned, he again sailed from Liverpool in a new gun-boat called the Oreto, built at Liverpool by Messrs. W. C. Miller & Sons, ship-builders, and completed in the early part of the present year, and which gun-boat, the Oreto, though she cleared from Liverpool for Palermo and Jamaica, in reality never went to those places, but proceeded to Nassau, New Providence, to take on board guns and arms, with a view to her being used as a privateer or vessel of war, under a commission from the so-called confederate government, against the Government of the United States, and which said vessel, the Oreto, is stated to have been lately seized at Nassau by the commander of Her Majesty's ship Greyhound. That the said James D. Bullock has since returned again to Liverpool, and that before he left Liverpool and since he returned he has taken an active part in superintending the building, equipment, and fitting out of another steam gun-boat, known as No. 290, which has lately been launched by Messrs. Laird & Co., of Birkenhead, and which is now lying, as I am informed and believe, ready for sea, in the Birkenhead docks, with a large quantity of provisions and stores and 30 men on board. That the said James D. Bullock is going out in the said gun-boat No. 290, which is nominally commanded by one Matthew S. Butcher, who, I am informed, is well acquainted with the navigation of the American coast, having formerly been engaged in the coasting trade between New York, Charleston, and Nassau.

4. From the circumstances which have come to my knowledge, I verily believe that the said gun-boat No. 290 is being equipped and fitted out as a privateer or vessel of war to serve under a commission to be issued by the government of the so-called Confederate States, and that the said vessel will be employed in the service of the [192] said *Confederate States to cruise and commit hostilities against the Government and people of the United States of North America.

(Signed) THOMAS H. DUDLEY.

Affirmed and taken before me at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS, *Collector.*

I, Matthew Maguire, of Liverpool, agent, make oath and say as follows:

Further affidavit of Matthew Maguire.

1. I know Captain J. D. Bullock, who is commonly reputed to be the agent or commissioner of the Confederate States of America at Liverpool.

2. I have seen the said J. D. Bullock several times at the yard of Messrs. Laird & Co., at Birkenhead, where a gun-boat, known as No. 290, has lately been built, while the building of the said vessel has been going on.

3. On the 2d day of July now instant I saw the said J. D. Bullock on board the said vessel in Messrs. Laird & Co.'s yard. He appeared to be giving orders to the workmen who were employed about such vessel.

(Signed) MATTHEW MAGUIRE.

Sworn before me at the custom-house, Liverpool, this 21st day of July, 1862.

(Signed) S. PRICE EDWARDS, *Collector*.

No. 13.

The commissioners of customs to the collector of customs, Liverpool.

LONDON, *July* 22, 1862.

Instructions given by commissioners of customs to Collector Edwards.

SIR: Having considered your report of the 21st instant, stating, with reference to previous correspondence which has taken place on the subject of a gun-boat which is being fitted out by Messrs. Laird, of Birkenhead, that the United States consul, accompanied by his solicitor, has attended at the custom-house with certain witnesses, whose affidavits you have taken and have submitted for our consideration, and has requested that the vessel may be seized, under the provisions of the foreign-enlistment act, upon the ground that the evidence adduced affords proof that she is being fitted out for the government of the Confederate States of America—

We acquaint you that we have communicated with our solicitor on the subject, who has advised us that the evidence submitted is not sufficient to justify any steps being taken against the vessel under either the sixth or seventh section of act 59 Geo. III, c. 69, and you are to govern yourself accordingly.

The solicitor has, however, stated that if there should be sufficient evidence to satisfy a court of enlistment of individuals, they would be liable to pecuniary penalties, for security of which, if recovered, this department might detain the ship until those penalties are satisfied or good bail given; but there is not sufficient evidence to require the customs to prosecute. It is, however, competent for the United States consul or any other person to do so at their own risk if they see fit.

(Signed) T. F. FREMANTLE.
G. C. L. BERKELEY.

Reports of the assistant solicitor and solicitor of customs, referred to in the preceding letter.

Third report of customs solicitor, and report of assistant solicitor.

In my opinion, there is not sufficient evidence in this case to justify the detention of the vessel under the 59th George III, c. 69, 70. The only affidavit that professes to give anything like positive evidence is that of the seaman Passmore; but, assuming all he states to be true, what occurred between the reputed master (Butcher) and himself would not warrant a detention under section 6, nor support an information for the penalty under that section. Nor do I think, however probable it may seem that the vessel is fitted out for the military operations mentioned, that sufficient evidence has been adduced to entitle [193] the applicants to the interference of the collector of customs at *Liverpool. The only justifiable grounds of seizure under section 7 of the act would be the production of such evidence of the fact as would support an indictment for the misdemeanor under that section.

(Signed) J. O'DOWD.

CUSTOMS, *July* 22, 1862.

I entirely concur with Mr. O'Dowd in opinion that there is not sufficient evidence to warrant the seizure or detention of the ship by the officers of customs. There appears to be some evidence of enlistment of individuals, and if that were sufficient to satisfy a court, they would be liable to pecuniary penalties, for security of which, if recovered, the customs might detain the ship until those penalties were satisfied or good bail given; but there is not evidence enough of enlistment to call upon the customs to prosecute. The United States consul or any other person may do so at their own risk, if they see fit.

(Signed) F. J. HAMEL.

JULY 22, 1862.

No. 14.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 22, 1862. (Received July 22.)

Affidavits first forwarded by Mr. Adams.

MY LORD: I have the honor to transmit copies of six depositions taken at Liverpool, tending to establish the character and destination of the vessel to which I called your lordship's attention in my note of the 23d of June last.

The originals of these papers have already been submitted to the collector of the customs at that port, in accordance with the suggestions made in your lordship's note to me of the 4th of July, as the basis of an application to him to act under the powers conferred by the enlistment act. But I feel it to be my duty further to communicate the facts as there alleged to Her Majesty's government, and to request that such further proceedings may be had as may carry into full effect the determination which I doubt not it ever entertains to prevent, by all lawful means, the fitting out of hostile expeditions against the government of a country with which it is at peace.

I avail, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 14.]

Depositions.

[See inclosure 3 in No. 12.]

No. 15.

Mr. Layard to the law-officers of the Crown.

[Immediate.]

FOREIGN OFFICE, *July* 23, 1862.

Second reference to law-officers.

GENTLEMEN: With reference to your report of the 30th ultimo, I am directed by Earl Russell to transmit to you the accompanying papers,[1] which have been received by the board of treasury from the commissioners of customs, containing further information respecting the vessel alleged to be fitting out at Liverpool for the service of the so-called Confederate States; and I am to request that you will take the same into your consideration, and favor Lord Russell at your earliest convenience with your opinion thereupon.

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[1] No. 12 and inclosures.

The former papers on this subject are inclosed for reference if required.

I am, &c.,
(Signed) A. H. LAYARD.

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[194] *No. 16.

Mr. Hamilton to Mr. Layard.

TREASURY, *July* 23, 1862—5.30 p. m.
(Received July 23.)

Further affidavits with opinion of Mr. Collier, forwarded through treasury to Foreign Office.

MY DEAR MR. LAYARD: Fremantle has told me of his interview with you, and, while he was with me, these additional papers have come.

You may probably like to send the opinion of the law-officers direct to the commissioners of customs, if it is an object to save time. We can put the matter right officially afterwards.

Sincerely yours,
(Signed) GEO. A. HAMILTON.

[NOTE.—This letter has attached to it a minute, written on paper stamped "House of Commons," in Mr. Layard's handwriting: "I have just received this paper from the treasury. Shall I send this at once to the law-officers?" And in Lord Russell's handwriting: "Yes, at once.—J. R." With an instruction from Mr. Layard: "Let the covering letter be ready for my signature as soon as possible."]

[Inclosure 1 in No. 16.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *July* 23, 1862.

Customs solicitor of opinion that additional evidence does not materially strengthen the case. He disagrees with Mr. Collier.

SIR: With reference to my letter of the 22d instant, inclosing six affidavits which had been transmitted to the board by their collector at Liverpool, with respect to a vessel stated to be fitting out at that port for the so-called Confederate States of America, I am directed to transmit to you the annexed copy of a letter, which the board have just received from Mr. A. T. Squarey, inclosing two additional affidavits, with a case and opinion submitted by him to Mr. Collier, Queen's counsel, and to state that, the board having again communicated with their solicitor, he has reported that in his opinion the additional evidence does not materially strengthen the case, and that he cannot concur in the opinion expressed by Mr. Collier; and, under all the circumstances, I am to submit whether their lordships may not be pleased to take the opinion of the law-officers of the Crown on the matter.

I am, &c.,
(Signed) J. G. GARDNER.

[Inclosure 2 in No. 16.]

Mr. Squarey to Mr. Gardner.

TAVISTOCK HOTEL, COVENT GARDEN,
London, July 23, 1862.

Representation made to commissioners of customs by Mr. Squarey. Vessel ready for sea.

SIR: Referring to an application which I made on behalf of the United States Government, under the instructions of their consul at Liverpool, to the collector of customs at Liverpool on Monday last, for the detention, under the provisions of the act 59 George III, cap. 69, of a steam gun-boat built by Messrs. Laird & Co., at Birkenhead, and which there is no doubt is intended for the Confederate States, to be used as a vessel of war against the United States Government, I beg now to inclose two affidavits which reached me this morning from Liverpool, one made by Robert John Taylor, and the other by Edward Roberts, and which furnish additional proof of the character of the vessel in question.

I also inclose a case which has been submitted to Mr. Collier, Queen's counsel, with his opinion thereon. I learnt this morning from Mr. O'Dowd that instructions were forwarded yesterday to the collector at Liverpool not to exercise the powers of the act in this instance, it being considered that the facts disclosed in the affidavits made before him were not sufficient to justify the collector in seizing the vessel. On behalf of the Government of the United States, I now respectfully request that this matter, which I need not point out to you involves consequences of the gravest possible description, may be considered by the board of customs on the further evidence now adduced. The gun-boat now lies in the Birkenhead docks, ready for sea in all respects, with a crew of fifty men on board; she may sail at any time, and I trust that the [195] urgency of the case *will excuse the course I have adopted of sending these papers direct to the board instead of transmitting them through the collector at Liverpool, and the request which I now venture to make that the matter may receive immediate attention.

I have, &c.,

(Signed) A. T. SQUAREY.

[Inclosure 3 in No. 16.]

Depositions.

I, Edward Roberts, of No. 6 Vere street, Toxteth Park, in the county of Lancaster, ship-carpenter, make oath and say as follows:

Affidavit of Edward Roberts.

1. I am a ship-carpenter, and have been at sea for about four years in that capacity.

2. About the beginning of June last I had been out of employ for about two months, and hearing that there was a vessel in Messrs. Laird & Co.'s yard fitting out to run the blockade, I applied to Mr. Barnett, shipping-master, to get me shipped on board the said vessel.

3. On Thursday, the 19th day of June last, I went to the said Mr. Barnett's office, No. 11 Hanover street, Liverpool, in the county of Lancaster, and was engaged for the said vessel as carpenter's mate. By the direction of the said Mr. Barnett I met Captain Butcher the same day on the George's landing-stage, and followed him to Messrs. Laird & Co.'s ship-building yard, and on board a vessel lying there. The said Captain Butcher spoke to the boatswain about me, and I received my orders from the said boatswain. At dinner-time the same day, as I left the yard, the gateman asked me if I was "going to work on that gun-boat;" to which I replied, "Yes."

4. The said vessel is now lying in the Birkenhead float, and is known by the name No. 290. The said vessel has coal and stores on board. The said vessel is pierced for guns, I think four on a side, and a swivel gun. The said vessel is fitted with shot and canister racks, and has a magazine. There are about fifty men, all told, now on board the said vessel. It is generally understood on board of the said vessel that she is going to Nassau for the southern government.

5. I know Captain Bullock by sight, and have seen him on board of the said vessel five or six times; I have seen him go round the said vessel with Captain Butcher. I understood, both at Messrs. Laird & Co.'s yard and also on board the said vessel, that the said Captain Bullock was the owner of the said vessel.

6. I have been working on board the said vessel from the 19th day of June last up to the present time, with wages at the rate of £6 per month, payable weekly. I have signed no articles of agreement. The talk on board is that an agreement will be signed before sailing.

(Signed) EDWARD ROBERTS.

Sworn at Liverpool, in the county of Lancaster, this 22d day of July, 1862, before me.

(Signed) WM. BROWN,
Justice of the Peace for Lancashire and Liverpool.

I, Robert John Taylor, of Mobile, but at present remaining temporarily at Liverpool, mariner, make oath and say as follows:

Affidavit of Robert J. Taylor.

1. I am a native of London, and forty-one years of age. From fourteen years upward I have followed the sea. During the last fifteen years I have been living in the Confederate States of America, principally at Sa-

vannah and Mobile, and since the secession movement I have been engaged in running the blockade. I have run the blockade six times, and been captured once.

2. The vessels in which I have been engaged in running the blockade have sailed from Mobile, and have gone to Havana and New Orleans. I am well acquainted with the whole of the coast of the Confederate States, as I have been principally engaged since 1847 in trading to and from the Gulf ports.

3. I came to England, after my release from Fort Warren, on the 29th of May last. I came here with the intention of going to the Southern States, as I could not get there from Boston.

4. Mr. Rickarby, of Liverpool, a brother of the owner, at Mobile, of the vessel in which I was captured when attempting to run the blockade, gave me instructions to go to Captain Butcher at Laird's yard, Birkenhead. I had previously called on [196] Mr. Rickarby, * and told him that I wanted to go South, as the Northerners had robbed me of my clothes when I was captured, and I wanted to have satisfaction.

5. I first saw Captain Butcher at one of Mr. Laird's offices last Thursday fortnight, (namely, the 3d of July last.) I told him that I had been sent by Mr. Rickarby, and asked him if he were the captain of the vessel which was lying in the dock. I told him that I was one of the men that had been captured in one of Mr. Rickarby's vessels, and that I wanted to get South in order to have retaliation of the Northerners for robbing me of my clothes. He said that if I went with him in his vessel I should very shortly have that opportunity.

6. Captain Butcher asked me at the interview if I was well acquainted with the Gulf ports, and I told him I was. I asked him what port he was going to, and he replied that he could not tell me then, but that there would be an agreement made before we left for sea. I inquired as to the rate of wages, and I was to get £4 10*s.* per month, payable weekly.

7. I then inquired if I might consider myself engaged, and he replied, "Yes," and that I might go on board the next day, which I accordingly did; and I have been working on board up to last Saturday night.

8. I was at the siege of Acre in 1840, in Her Majesty's frigate Pique, Captain Edward Boxer, and served on board for nine months. Captain Butcher's ship is pierced for eight broadside-guns and four swivels or long-toms. Her magazine is complete, and she is fitted up in all respects as a man-of-war, without her ammunition. She is now chock-full of coals, and has, in addition to those in the hold, some thirty tons on deck.

9. One day, while engaged in heaving up some of the machinery, we were singing a song, as seamen generally do, when the boatswain told us to stop that, as the ship was not a merchant-ship but a man-of-war.

(Signed) ROBERT JOHN TAYLOR.

Sworn at Liverpool, in the county of Lancaster, this 22d day of July, 1862, before me.

(Signed) W. J. LAMPORT,
Justice of the Peace for Liverpool.

[Inclosure 4 in No. 16.]

Case submitted to Mr. Collier, Queen's counsel, and his opinion thereon.

Case submitted to Mr. Collier.

You will receive, herewith, copies of the following affidavits in reference to a gunboat known as No. 290, which was built by Messrs. Laird & Co., at Birkenhead, as it is believed for the Confederate States of America, and which is now lying ready for sea in all respects in the Birkenhead docks: No. 1, affirmation of T. H. Dudley; No. 2, affidavit of J. de Costa; No. 3, affidavit of Mr. Maguire; No. 4, affidavit of H. Wilding and M. Maguire; No. 5, affidavit of A. S. Clare; No. 6, affidavit of William Passmore; No. 7, affidavit of Edward Roberts; No. 8, affidavit of Robert John Taylor. An application has been made on the affidavits Nos. 1 to 6 inclusive, to the collector of customs at Liverpool, to detain the vessel under the provisions of the act 59 Geo. III, cap. 69; but, under the advice of the solicitors to the customs, the board have declined to sanction the detention of the vessel.

You are requested to advise the consul for the United States at Liverpool whether the affidavits now submitted to you would disclose facts which would justify the collector of customs in detaining the vessel under the act in question.

JULY 23, 1862.

Opinion.

Mr. Collier's opinion.

I have perused the above affidavits, and I am of opinion that the collector of customs would be justified in detaining the vessel. Indeed, I should think it his duty to detain her; and that if, after the application which has been made to him, supported by the evidence which has been laid before me, he allows the vessel to leave Liverpool, he will incur a heavy responsibility, a responsibility of which the board of customs, under whose directions he appears to be acting, must take their share.

It appears difficult to make out a stronger case of infringement of the foreign-enlistment act, which, if not enforced on this occasion, is little better than a dead letter.

[197] * It well deserves consideration whether, if the vessel be allowed to escape, the Federal Government would not have serious grounds of remonstrance.

(Signed) R. P. COLLIER.

TEMPLE, *July* 23, 1862.

Report of the assistant solicitor of customs referred to in the letter of the board of customs (inclosure 1 *in No.* 16) *July* 23, 1862.

Fourth report of customs solicitor.

I have read the additional evidence, and I do not think that it materially strengthens the case of the applicants. As regards the opinion of Mr. Collier, I cannot concur in his view; but adverting to the high character which he bears in his profession, I submit that the board might act judiciously in recommending the lords of the treasury to take the opinion of the law-officers of the Crown.

(Signed) J. O'DOWD.

JULY 23, 1862.

No. 17.

Mr. Layard to the law-officers of the Crown.

FOREIGN OFFICE, *July* 23, 1862.

Third reference to law-officers.

GENTLEMEN: With reference to my letter of this morning, sending to you papers respecting the vessel stated to be preparing for sea at Birkenhead, for the service of the government of the so-styled Confederate States of North America, I am directed by Earl Russell to transmit to you a further letter from the commissioners of customs,[1] inclosing additional papers respecting this vessel; and I am to request that you will take these papers into your consideration, and favor Lord Russell at your earliest convenience with your opinion as to the steps which ought to be taken by Her Majesty's government in the matter.

I am, &c.,
(Signed) A. H. LAYARD.

No. 18.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *July* 24, 1862.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the treasury, a copy of a note from Mr. Adams,[2] forwarding copies of the depositions, of which the originals have been already submitted to the custom-house authorities at Liverpool, respecting the vessel stated to be fitting out at Birkenhead for the service of the so-styled Confederate States.

I am, &c.,
(Signed) A. H. LAYARD.

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[1] No. 16.

[2] No. 5.

No. 19.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 24, 1862. (Received July 26.)

Affidavits of Roberts and Taylor, forwarded by Mr. Adams, with opinion of Mr. Collier.

MY LORD: In order that I may complete the evidence in the case of the vessel now fitting out at Liverpool, I have the honor to submit to your lordship's consideration the copies of two more depositions taken respecting that subject.

In the view which I have taken of this extraordinary proceeding as a violation of the enlistment act, I am happy to find myself sustained by the opinion of an eminent lawyer of Great Britain, a copy of which I do myself the honor likewise to transmit.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[198]

[Inclosure 1 in No. 19.]

Depositions of Edward Roberts and Robert John Taylor.

[See inclosure 3 in No. 16.]

[Inclosure 2 in No. 19.]

Case submitted to Mr. Collier, Q. C., and his opinion thereon.

[See inclosure 4 in No. 16.]

No. 20.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
July 26, 1262. (Received July 26.)

Affidavit of Henry Redden, forwarded through treasury to Foreign Office, with letter from commissioners of customs.

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to tranmit a report from the commissioners of customs dated 25th July, inclosing an affidavit from Henry Redden, respecting a gun-boat stated to be fitting out at Liverpool for the so-called Confederate States of America, for the information of Earl Russell, with reference to the correspondence which has passed on this subject.

I am also commanded to request you will move Earl Russell to cause the papers herewith transmitted to be returned to this department.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 20.]

Mr. Gardner to Mr. Peel.

CUSTOM-HOUSE, *July* 25, 1862.

SIR: With reference to my letter of the 23d instant, I am directed to transmit to you the inclosed further affidavit which has been submitted to the board by Messsrs. Duncan, Squarey & Co., of Liverpool, respecting the gun-boat stated to be fitting out at that port for the so-called Confederate States of America, and to state that, the board having referred the same for the report of their solicitor, that officer has reported that he adheres to the opinion he has already expressed that there are not sufficient grounds set forth to warrant the detention of the vessel.

Letter from customs commissioners, with affidavit of Henry Redden. Customs solicitor adheres to opinion that there is not sufficient evidence for detention of the vessel.

I am, &c.,
(Signed) J. G. GARDNER.

[This letter is indorsed by Mr. G. A. Hamilton, secretary to the treasury, "Immediate, July 26. Transmit in original this report, with the inclosure in original, to Mr. Hammond, for the information of Earl Russell, with further reference to the correspondence which has passed on this subject. Request they may be returned." "The other documents were sent at once to Foreign Office, being very urgent. They are to be sent back, and will then be registered if desirable. They are now before the law-officers."]

[Inclosure 2 in No. 20.]

Affidavit of Henry Redden.

I, Henry Redden, of Hook street, Liverpool, in the county of Lancaster, seaman, make oath and say as follows:

Affidavit of Henry Redden.

1. I am a seaman, and have followed the sea for fifteen years. I have been boatswain on board both steamers and sailing-vessels, and belong to the naval reserve.

2. About six weeks ago I was engaged by Captain Butcher (with whom I have [199] *previously sailed) as boatswain on board a vessel then in Messrs. Laird & Co.'s ship-building yard, but now lying in the Birkenhead float, and known by the name No. 290. The said Captain Butcher offered me £10 per month, and said an agreement should be signed when we got outside. He told me that we should have plenty of money when we got home, as we were going to the Southern States on a speculation to try and get some.

3. The crew now on board the said vessel consists of about forty men; but I believe that she will take to sea about one hundred men all told. It is generally understood on board that she will clear for Nassau, but not make that port. The said vessel has all her stores and coals on board ready for sea. She is fitted in all respects as a man-of-war to carry six broadside guns and four pivots, but has no guns or ammunition on board as yet. The rules on board are similar to those in use on a man-of-war, and the men are not allowed to sing as they do on a merchantman. The call is used on board. The said vessel is of about 1,100 tons burden.

4. I know Captain Bullock. He has been superintending the building of the said vessel in Messrs. Laird & Co.'s yard, and is, I believe, to take charge of the vessel when we get outside.

It is generally understood on board the said vessel that she belongs to the confederate government.

(Signed) HENRY REDDEN.

Sworn this 24th day of July, 1862, before me.
(Signed) JOHN STEWART,
A Justice of the Peace for the County of Lancaster.

Report of the assistant solicitor of customs to the board, July 25, 1862, *referred to in the preceding No.* 20.

I submit a reference to my former reports, to the opinions expressed in which I feel still bound to adhere. So far from giving additional force to the application, the affidavit of Henry Redden appears to me to weaken it, as, after the lapse of several days since the date of the former affidavits, the applicants are confessedly unable to make out a better justification for detaining the vessel. It is no doubt difficult to procure satisfactory evidence in such a case; but in the absence of at least a clear *prima facie* case there cannot exist those grounds for detaining the vessel which the foreign enlistment act contemplates.

Fifth report of customs assistant solicitor.

(Signed) J. O'DOWD.

CUSTOMS, *July* 25, 1862.

No. 21.

Mr. Hammond to the law-officers of the Crown.

FOREIGN OFFICE, *July* 26, 1862.

Fourth reference to law-officers.

GENTLEMEN: I am directed by Earl Russell to transmit to you the accompanying letter from the board of treasury,[1] which his lordship has received this morning, containing further information respecting the vessel stated to be fitting out at Liverpool for the service of the so-styled Confederate States; and I am to request that you will take the same into your consideration, together with the other papers on the same subject which are now before you.

I am, &c.,
(Signed) E. HAMMOND.

No. 22.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 28, 1862.

Mr. Adams informed that the papers have been referred to the law-officers.

SIR: I have the honor to acknowledge the receipt of your letters of the 22d and 24th instant, relative to the vessel alleged to be fitting out at Liverpool for the service [200] of * the so-styled Confederate States; and I am to state to you, in reply, that these papers have been referred to the law-officers of the Crown.

I am, &c.,
(Signed) RUSSELL.

No. 23.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
July 29, 1862. (Received July 29.)

Report from customs. The vessel has left Liverpool.

SIR: With reference to the former correspondence on the subject of a gun-boat fitting out at Liverpool, and stated to be for the use of the so-called confederate government, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, a further letter from the commissioners of customs on this subject, and request that it may be returned to this department.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 23.]

Mr. Gardner to Mr. Peel.

CUSTOM-HOUSE, *July* 29, 1862.

SIR: With reference to my letter of the 25th instant, I am directed to acquaint you that a communication has this day been received from Messrs. Duncan, Squarey & Co., of Liverpool, dated 28th instant, stating that they have every reason to believe that the gun-boat stated to be fitting out for the confederate government of America will sail this day. I am at the same time to observe that no further evidence has been received with respect to the vessel since that forwarded in my letter above referred to.

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[1] No. 20.

I am, &c.,
(Signed) J. G. GARDNER.

P. S.—Since writing this letter I have received a telegram from the above firm, informing me that the vessel came out of dock last night, and left the port this morning.
J. G. G.

No. 24.

The law-officers of the Crown to Earl Russell.

TEMPLE, *July* 29, 1862. (Received July 29.)

Second report of attorney and solicitor general.
Vessel should be seized for infringement of the foreign-enlistment act.

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 23d July instant, stating that, with reference to our report of the 30th ultimo, he was directed by your lordship to transmit to us the accompanying papers, which had been received by the board of treasury from the commissioners of customs, containing further information respecting the vessel alleged to be fitting out at Liverpool for the service of the so-called Confederate States, and to request that we would take the same into our consideration, and favor your lordship at our earliest convenience with our opinion thereupon.

The former papers on this subject were inclosed for reference if required.

We are also honored with your lordship's commands signified in Mr. Layard's letter of the 23d July instant, stating that, with reference to his letter of that date, sending to us papers respecting the vessel stated to be preparing for sea at Birkenhead, for the service of the government of the so-styled Confederate States of North America, he was directed by your lordship to transmit to us a further letter from the commissioners of customs, inclosing additional papers respecting this vessel, and to request that we would take these papers into our consideration, and favor your lordship at our earliest convenience with our opinion as to the steps which ought to be taken by Her Majesty's government in the matter.

[201] *We are further honored with your lordship's commands signified in Mr. Layard's letter of the 26th July, instant, stating that he was directed by your lordship to transmit to us the accompanying letter from the board of treasury, dated July 26, which your lordship had received that morning, containing further information respecting the vessel stated to be fitting out at Liverpool for the service of the so-styled Confederate States; and to request that we would take the same into our consideration, together with the other papers on the same subject, which were then before us.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report:

That, in our opinion, the evidence of the witnesses who have made depositions, (we allude particularly to William Passmore, Edward Roberts, Robert John Taylor, and Henry Redden,) coupled with the character and structure of the vessel, makes it reasonably clear that such vessel is intended for warlike use, against citizens of the United States, and in the interest of the (so-called) Confederate States. It is not, and cannot be, denied that the vessel is constructed and adapted as a vessel of war; being pierced for guns, the sockets for the bolts for which, Passmore states, are already laid down, and having a magazine, and shot and canister racks on the deck, and a certain number of canisters being actually on board. It is also stated in the report of the commissioners of customs of July 1, that Messrs. Laird, the builders, do not deny that the vessel has been built for some "foreign government," although they maintain apparently a strict reserve as to her actual destination, and as to the "foreign government," in particular, for whose service she is intended. We do not overlook the facts that neither guns nor ammunition have as yet been shipped; that the cargo (though of the nature of naval stores in connection with war-steamers) may yet be classed as a mercantile cargo; and that the crew do not appear to have been, in terms and form at least, recruited or enrolled as a military crew. It is to be expected that great stress will be laid upon these circumstances by the owners and others who may oppose the condemnation of the vessel if seized by the officers of the customs; and an argument may be raised as to the proper construction of the words which occur in the seventh section of the foreign-enlistment act, "equip, furnish, fit out, or arm," which words, it may be suggested, point only to the rendering a vessel, whatever may be the character of its structure, presently fit to engage in hostilities. We think, however, that such a narrow construction ought not to be adopted; and, if allowed, would fritter away the act, and give impunity to open and flagrant violations of its provisions. We, therefore, recommend that, without loss of time, the vessel be seized by the proper authorities, after which an opportunity will be afforded to those interested, previous to condemnation, to alter the facts, if it may be, and to show an innocent destination of the ship. In the absence of any such countervailing case, it appears to us that the vessel, cargo, and stores may be properly condemned.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.

No. 25.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *July* 30, 1862.

Report of law-officers forwarded to the treasury.

SIR: With reference to your letter of yesterday's date, I am directed by Earl Russell to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, a copy of a report from the attorney and solicitor general, also dated yesterday,[1] respecting the vessel which has been fitted out at Birkenhead, and is suspected to be intended for the government of the so-styled Confederate States.

I am, &c.,
(Signed) A. H. LAYARD.

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[202] *No. 26.

Mr. Layard to Sir F. Rogers.

FOREIGN OFFICE, *July* 31, 1862.

SIR: I am directed by Earl Russell to transmit to you a copy of a

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[1] No. 24.

Report of law-officers forwarded to Colonial Office for transmission to governor of the Bahamas.

report from the attorney and solicitor general,[1] respecting a gun-boat which has been fitted out at Birkenhead, and which is suspected to be on account of the government of the so-styled Confederate States.

By a letter received from the custom-house authorities at Liverpool, it appears that this vessel put to sea on the 29th instant; and I am, therefore, to request that you will suggest to the Duke of Newcastle the propriety of a copy of the inclosed report being sent to the governor of the Bahamas.

I am, &c.,
(Signed) A. H. LAYARD.

No. 27.

Mr. Hamilton to Mr. Layard.

TREASURY CHAMBERS,
July 31, 1862. (Received July 31.)

Commissioners of customs instructed to take the necessary steps for seizing the vessel.

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that they have forwarded to the commissioner of customs your letter of yesterday's date, on the subject of the vessel which has been fitting out at Birkenhead, and is suspected to be intended for the government of the so-styled Confederate States of America, together with the opinion of the law-officers of the Crown on the case, with directions to take the necessary steps for seizing the vessel, in conformity with the recommendation of the law-officers.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 28.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
July 31, 1862. (Received July 31.)

Vessel supposed by Messrs. Squarey to have gone to Queenstown.

SIR: With reference to the former correspondence on the subject of the vessel fitting out at Liverpool, and stated to be for the use of the so-styled confederate States of America, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, a report from the commissioners of customs, dated 30th instant, together with its inclosure, a letter dated 29th instant, from Messrs. Duncan, Squarey & Mackinnon, stating that the vessel in question had sailed from Liverpool, and that they had reason to believe that she was gone to Queenstown.

I am commanded by my lords to request that the correspondence herewith transmitted may be returned to this department.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] No. 24.

[Inclosure 1 in No. 28.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *July* 30, 1862.

SIR: With reference to Mr. Gardner's letter of yesterday's date, acquainting you, for the information of the lords commissioners of Her Majesty's treasury, that a [203] telegram *had been received from Messrs. Duncan, Squarey and Mackinnon, stating that the gun-boat supposed to be fitting out at Liverpool for the so-called Confederate States of America had sailed from that port.

I am now desired to transmit, for their lordships' information, copy of a letter received this morning from the same persons, stating that they have reason to believe the vessel is gone to Queenstown.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 28.]

Messrs. Duncan, Squarey and Mackinnon to Mr. Gardner.

10 WATER STREET, *Liverpool, July* 29, 1862.

SIR: We telegraphed you this morning that the above-named vessel was leaving Liverpool; she came out of dock last night, and steamed down the river, between 10 and 11 a. m.

We have reason to believe that she is gone to Queenstown.

Yours, obediently,
(Signed) DUNCAN, SQUAREY & MACKINNON.

No. 29.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *August* 2, 1862.

Vessel to be seized if she puts into Queenstown.

SIR: With reference to your several letters of the 31st ultimo, I am directed by Earl Russell to request that you will move the lords commissioners of Her Majesty's treasury to give directions to the commissioners of customs, that if the gun-boat which has been fitted out at Birkenhead should put into Queenstown she may be detained there by order of the secretary of state, upon the opinion of the law-officers of the Crown.

I am, &c.,
(Signed) A. H. LAYARD.

No. 30.

Mr. Layard to Sir F. Rogers.

FOREIGN OFFICE, *August* 2, 1862.

Vessel to be seized if she puts into Nassau.

SIR: With reference to my letter of the 31st ultimo, I am directed by Earl Russell to request that you will suggest to the Duke of Newcastle the propriety of the governor of the Bahamas being instructed that, if the gun-boat known as No. 290 puts into Nassau, she should be detained there by order of the secretary of state, upon the opinion of the law-officers of the Crown.

I am, &c.,
(Signed) A. H. LAYARD.

[204] *No. 31.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
August 4, 1862. (Received August 4.)

Reports from customs offices. Vessel stated by Consul Dudley to be cruising off Point Lynas, after leaving Birkenhead dock on the evening of July 28, and the river Mersey on the morning of the 29th. Assistance and warlike supplies said to have been afforded by the steam-tug Hercules.

SIR: With reference to the former correspondence on the subject of the vessel which is stated to have been fitted out at Liverpool for the so-called Confederate States of America, I am commanded by the lords commissioners of Her Majesty's treasury to transmit a report, dated 31st ultimo, from the commissioners of customs, with an inclosure from the United States consul at Liverpool, being further on the subject of the vessel in question, for the information of Earl Russell.

I am further commanded to request that the correspondence herein adverted to may be returned to this department.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 31.]

Mr. Dickins to Mr. Peel.

CUSTOM-HOUSE, *July* 31, 1862.

SIR: With reference to previous correspondence on the subject of the gun-boat which is stated to have been fitted out at Liverpool for the so-called Confederate States of America, I am desired by the board to transmit, for the information of the lords commissioners of Her Majesty's treasury, the annexed copy of a letter which has been addressed by the United States consul at Liverpool to the collector of customs at that port, stating that the vessel has guns on board, and is cruising off Point Lynas, together with copies of the reports of the officers of this department thereon; and I am to state that, on the receipt this morning of the said letter and reports, the board caused a telegraphic message to be forwarded to the collector at Liverpool, directing him to examine the master of the Hercules, the tug-boat referred to in the inclosed papers, and ascertain whether he can state that guns are concealed in the vessel built by Messrs. Laird, and that powder has been taken on board. To this inquiry no reply has yet been received; but on its receipt the board will lose no time in communicating the same to you for their lordships' information.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 31.]

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, July 30, 1862.

SIR: Referring to my previous communication to you on the subject of the gun-boat No. 290, fitted out by Mr. Laird, of Birkenhead, I beg to inform you that she left the Birkenhead dock on Monday night; and yesterday morning left the river accompanied by the steam-tug Hercules.

The Hercules returned last evening, and her master states that the gun-boat was cruising off Point Lynas; that she had six guns on board concealed below, and was taking powder from another vessel.

The Hercules is now alongside the Woodside landing-stage, taking on board men, (forty or fifty;) beams, evidently for gun-carriages, and other things, to convey down to the gun-boat; a quantity of cutlasses were taken on board on Friday last.

These circumstances all go to confirm the representations heretofore made to you about this vessel, in the face of which I cannot but regret she has been permitted to leave the port; and I report them to you that you may take such steps as you may deem necessary to prevent this flagrant violation of neutrality.

Respectfully,
(Signed) THOMAS H. DUDLEY, *Consul.*

[205] * [Immediate.]

JULY 30, 1862—1 o'clock p. m.

Mr. Morgan, the surveyor, is to inquire into the circumstances of the aforegoing representation, and to report the result of his inquiry forthwith.

(Signed) S. PRICE EDWARDS.

CUSTOM-HOUSE, *Liverpool, July* 30, 1862.

HONORABLE SIRS: Immediately on receipt of the aforegoing communication, Mr. Morgan, surveyor, proceeded on board the Hercules; and I beg to inclose his report, observing that he perceived no beams, such as are alluded to by the American consul, nor anything on board that would justify further action on my part.

Respectfully,

(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 31.]

Mr. Morgan to Mr. Edwards.

SURVEYOR'S OFFICE, *July* 30, 1862.

Report from Surveyor Morgan.

The vessel proceeded to sea on the morning of the 28th, ostensibly for a trial trip. She had no armament on board.

The Hercules did not take out any warlike supplies.

SIR: Referring to the steamer built by the Messrs Laird, which is suspected to be a gun-boat intended for some foreign government, I beg to state that, since the date of my last report concerning her, she has been lying in the Birkenhead docks, fitting for sea, and receiving on board coals and provisions for her crew.

She left the dock on the evening of the 28th instant, anchored for the night in the Mersey, abreast the Canning dock, and proceeded out of the river on the following morning, ostensibly on a trial trip, from which she has not returned.

I visited the tug Hercules this morning as she lay at the landing-stage at Woodside, and strictly examined her holds, and other parts of the vessel. She had nothing of a suspicious character on board, no guns, no ammunition, or anything appertaining thereto. A considerable number of persons, male and female, were on deck, some of whom admitted to me that they were a portion of the crew, and were going to join the gunboat.

I have only to add, that your directions to keep a strict watch on the said vessel have been carried out; and I write in the fullest confidence that she left this port without any part of her armament on board. She had not as much as a single gun or musket.

It is said that she cruised off Port Lynas last night, which, as you are aware, is some fifty miles from this post.

Very respectfully,

(Signed) E. MORGAN, *Surveyor.*

No. 32.

Extracts from customs correspondence respecting the Alabama, presented to Parliament in return to an order of the House of Commons, dated March 20, 1863.

To the collector of customs, Liverpool.

[Telegram.]

JULY 31, 1862—11.35 a. m.

Customs correspondence.

Examine master of Hercules, whether he can state that guns are concealed in vessel 290, and that powder has been taken on board.

JULY 31, 1862, at about 7.30 p. m.

Telegrams were sent to the collectors at Liverpool and Cork, pursuant to treasury order, dated 31st July, to seize the gun-boat 290, should she be within either of those ports.

Telegrams sent to Liverpool, Cork, Beaumaris, and Holyhead to seize the vessel should she put into those ports.

Similar telegrams to the officers at Beaumaris and Holyhead were sent on the morning of the 1st August. They were not sent on the 31st July, the telegraph offices to those districts being closed.

[206] *And on the 2d August a letter was also sent to the collector as Cork, to detain the vessel should she arrive at Queenstown.

Mr. Edwards to Mr. Gardner.

CUSTOM-HOUSE, *Liverpool, July* 31, 1862.

SIR: With reference to the telegram which I received to-day from you, directing me to examine the master of the steam-tug Hercules, I have the honor to state that the master cannot be found to-day, but I hope I may be able to get his deposition to-morrow. I may state, however, that he said yesterday to Mr. Morgan, the surveyor, that he had not taken any guns to the ship No. 290, nor had he seen any on board.

I am, &c.,
(Signed) S. PRICE EDWARDS.

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 1, 1862.

HONORABLE SIRS: The master of the Hercules has attended this morning, and I beg to inclose his examination taken on oath, whereby it will be seen that the statement in the letter of the American consul, forwarded with my report of the 30th ultimo, is not borne out. The board will see that the vessel has left the port. Should opportunity, however, offer, she shall be seized in accordance with the directions of the board, as contained in the telegram of yesterday's date.

(Signed) S. PRICE EDWARDS.

The examination of Thomas Miller, taken on oath by the collector.

Affidavit of master of Hercules. Not true that he took out guns or other warlike supplies.

I am the master of the steam-tug Hercules. I accompanied the new gun-boat built by Mr. Laird (No. 290, I believe she is distinguished by) to sea on Tuesday last. I kept in sight of her, in case the services of the steam-tug should be required, until she lay to about a mile off the Bell Buoy, and about fourteen miles from the Canning dock. The vessel left her anchorage about 10 a. m., and I left her between 4 and 5 p. m. I saw nothing on board the ship but coals. I returned from the vessel in the evening, and got into the river about 7 p. m.; there were some of Mr. Laird's workmen and riggers on board; all of these, I believe, I brought back. The next day, Wednesday, I left the landing-stage in the river, and took with me from 25 to 30 men, who, I believe, were to be employed on board as part of the crew; they appeared to be all sailors or firemen. I found the vessel about 3 o'clock that afternoon in Beaumaris Bay. I put the men on board, and lay alongside till midnight. We were from three to four miles from the shore; it was a fine day. Besides the men, I put on board an anchor-stock, a piece of wood about 15 feet long, and two pieces of brass belonging to the machinery. I neither carried guns, powder, or ammunition of any kind to her, nor did I see anything of this description on board nor yet being put on board. There was no vessel of any description came near the vessel while I was by her. I have never seen the American consul to my knowledge. I never told him or any one else they were taking powder on board the new vessel. I never was told what she was for, or what was her destination. The piece of wood which I have mentioned was not in any way fit for a gun-carriage. I thought it was intended to rest the ship's boat upon; it was planed and cut out for some purpose, if not to rest the boat upon.

(Signed) THOMAS MILLER.

Sworn at the custom-house, Liverpool, 1st August, 1862.

Mr. Smith to Mr. Gardner.

CUSTOM-HOUSE, *Beaumaris, August* 1, 1862.

SIR: I duly received your telegraph message at 2.10 p. m. I have communicated with the principal coast officer at Holyhead, and
[207] I am proceeding immediately to *Amlwch, and from thence to Point Lynas; and if the steamship 290 is off there, I hope to be on board her soon after dark this evening. In haste.

I am, &c.,
(Signed) W. H. SMITH, *Collector.*

Mr. Cunnah to the secretary to the customs, London.

CUSTOM-HOUSE, *Holyhead, August* 1, 1862.

SIR: Your telegram respecting the iron steam-vessel 290 is duly to hand.

The vessel is not at present within the limits of this creek. I have arranged that constant watch shall be kept, so that immediately upon her entering either of the harbors or the roadstead she will be seized, and I am now leaving (to go along the coast) to Point Lynas and Almwch to make further inquiries.

I beg also to state that I have forwarded a copy of the message to the collector of customs, Beaumaris, and the principal coast officer at Amlwch.

I have, &c.,
(Signed) E. B. CUNNAH,
Principal Coast Officer.

Mr. Smith to Mr. Gardner.

CUSTOM-HOUSE, *Beaumaris, August* 2, 1862.

Report of customs officer as to proceedings off Point Lynas.

SIR: On receipt of your telegram on the 1st instant, directing me to seize the steamship 290 reported to be off Point Lynas, I immediately proceeded to Amlwch and instituted inquiries, but could get but little satisfactory information. I heard that there had been a suspicious crew-bark in Moelfra Roads on Wednesday last; that the shore boats would not be allowed alongside. I called on Mr. Pierce, chief officer of the coast-guard, and consulted with him; I requested that he should order his boat, with four hands armed, to be at Point Lynas by five o'clock the next morning to meet us; I took a car at Amlwch, accompanied by Mr. Pierce and my principal coast officer, and proceeded to Point Lynas light-house, and made every inquiry of the keeper. I then proceeded to the telegraph station, and on inquiry there found that the suspected vessel had not been seen by either party since Wednesday evening, when she was riding in Moelfra Roads. We then got into the coast-guard boat and proceeded to Moelfra, and found that a large black screw bark, or three-masted topsail-yard screw-steamer, with black funnel, and no name or port on her, had arrived at Moelfra Roads at 7.30 p. m. on Tuesday evening last, and came to anchor; that a fishing-boat was going alongside, and asked if they wanted any fish; the answer from the steamer was, "No, keep off." On Wednesday they appeared to be washing the decks and cleaning her, and about 5 p. m. a tug-boat, supposed to belong to the Old Tug Company of Liverpool, went alongside with what was supposed to be an excursion party, the passengers going on board the screw-steamer; there was music on board. The tug-boat remained alongside until about 10 o'clock p. m. the same evening, when she left; the shore people could not say whether she took the party she brought back again, because it was too dark. At 3 o'clock a. m. the following morning, viz, Thursday, the screw-steamer got under way and proceeded to sea, and has not since been seen by any parties on the shore along the whole part of that coast.

They held no communication whatever with the shore during her stay in Moelfra Roads.

I am, &c.,
(Signed) W. H. SMITH, *Collector.*

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[208] **Mr. Cassel to the secretary to the customs.*

Gun-boat 290, the subject of telegram from the secretary of customs, 31st ultimo, and board's order, 89\, 1862.

CUSTOM-HOUSE, *Cork, August* 4, 1862.

SIR: Immediately on the receipt of your telegraphic message, steps were taken for the detention of the above-mentioned vessel, should she put into this port, but up to the close of this letter, 4 p. m., she has not made her appearance.

I am, &c.,
(Signed) F. CASSELL, *Collector.*

Mr. Stuart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, September* 3, 1862.

HONORABLE SIRS: With reference to the collector's report of the 1st ultimo, I beg to transmit, for the information of the board, the annexed reports from the surveyor and assistant surveyor, detailing some information they have obtained respecting the gun-boat No. 290. I also inclose a specification of the cargo taken out

Equipment at the Azores.

by the Bahama, and which, there appears no reason to doubt, was transferred to the gun-boat.

Respectfully,
(Signed) W. G. STUART, *Assistant Collector.*

Mr. Hussey to Mr. Stewart.

LIVERPOOL, *Nelson Dock, September* 2, 1862.

Arrival of Bahama at Liverpool from Terceira.

SIR: I beg to state that a steamship called the Bahama arrived here last evening from Angra, (the capital of the island of Terceira, one of the Azores,) having previously cleared from Liverpool for Nassau.

In consequence of a paragraph which appeared in the newspaper of this morning, in reference to the above vessel, I deemed it expedient to send for the master, Tessier, and to inquire the nature of the cargo shipped on board in Liverpool. He states that he received sixteen cases, the contents of which he did not know, but presumed they were arms, &c., and after proceeding to the above port, transferred the sixteen cases to a Spanish vessel, and returned to Liverpool with a quantity of coals.

The master also states that when off the Western Islands he spoke the confederate gun-boat Alabama (No. 290, built in Mr. Laird's yard at Birkenhead) heavily armed, having a 100-pounder pivot-gun mounted at her stern, which he believes is intended to destroy some of the seaport towns in the Northern States of America.

The above case having excited much interest in the port, I deemed it expedient to report the facts for your information.

Respectfully,
(Signed) J. HUSSEY, *Assistant Surveyor.*

Specification of shipment per Bahama, August 11, 1862.

		Cwts.	qrs.	lbs.
[B] O P	1.—1 case containing 1 cast-iron gun, weighing......	49	1	14
	2.—1 case containing 1 broadside-carriage, weighing.	12	0	14
	3.—1 case containing rammers, sponges, handspikes, &c., weighing..................................	2	1	14
[B] O P	1.—1 case containing 1 cast-iron gun, weighing.....	49	1	14
2	2.—1 case containing 1 broadside-carriage, weighing.	12	0	14
	3.—1 case containing rammers, sponges, handspikes, &c., weighing..................................	2	0	10
[B] O P	1 to 6.—6 cases containing 50 cast shot, weighing....	13	1	20
SOL [B] B	1 to . 6 cases containing 50 cast shot, weighing...	17	2	6
SOL [B] B	1.—1 case containing brass vent-covers, weighing...	0	0	5
	Total weight..	158	1	27

Total value, £220.

[209] *Mr. Morgan to Mr. Stewart.*

SURVEYOR'S OFFICE, *September* 3, 1862.

SIR: I beg to report for your information that the British steamship Bahama, Tessier master, which vessel cleared out for Nassau, and sailed on the 13th ultimo with nineteen cases, contents as per specification annexed, has returned to this port, and entered inwards in ballast from Angra.

The master of her is not disposed to enter very freely into conversation upon the subject, but from others on board there appears to be no doubt that the cases above referred to were transferred to the gun-boat No. 290.

Captain Semmes, formerly of the confederate steamer Sumter, took passage in the Bahama, together with some fifty other persons, and they are described as being the permanent crew of the 290, now known as the Alabama.

Respectfully,
(Signed) E. MORGAN, *Surveyor.*

No. 33.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
LONDON, *September* 4, 1862. (Received September 5.)

Mr. Adams's representation of the equipment of the vessel at the Azores.

MY LORD: I have the honor to transmit the copy of a letter received from the consul of the United States at Liverpool, together with a deposition in addition to the others already submitted with my notes of the 22d and 24th of July, going to show the further prosecution of the illegal and hostile measures against the United States in connection with the outfit of the gun-boat 290 from the port of Liverpool. It now appears that supplies are in process of transmission from here to a vessel fitted out from England, and now sailing on the high seas, with the piratical intent to burn and destroy the property of the people of a country with which Her Majesty is in alliance and friendship. I pray your lordship's pardon if I call your attention to the fact that I have not yet received any reply in writing to the several notes and representations I have had the honor to submit to Her Majesty's government touching this flagrant case.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Inclosure 1 in No. 33.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, September 3, 1862.

SIR: I have just obtained the affidavit of the boatswain's mate who shipped in and went out on the No. 290, now called the Alabama. I inclose it to you, with bill for his services, signed by Captain Butcher. He returned on the Bahama. He states that the Alabama is to cruise on the line of packets from Liverpool to New York; that Semmes told them so. This may have been said for the purpose of misleading us. The bark that took out the guns and coal is to carry out another cargo of coal to her; it is to take it on either at Cardiff or Troon, near Greenock, in Scotland; the bark to meet the Alabama near the same island where the armament was put on board, or at least in that neighborhood. There will be no difficuly to get other testimony, if it is required.

I am, &c.,
(Signed) THOS. H. DUDLEY.

P. S.—There were two American vessels in sight when they parted with the Alabama, which Captain Semmes said he would take. They no doubt were taken and destroyed, the first-fruits from this vessel.

T. H. D.

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[210] *Inclosure 2 in No. 33.

Deposition.

Affidavit of Henry Redden.
Departure of the vessel from Liverpool.
Proceedings at Terceira.

Henry Redden says: I reside in 16 Hook street, Vauxhall road, and am a seaman. In April last I shipped as boatswain's mate of a vessel lying in Laird's dock at Birkenhead, known as 290, and worked on board until she sailed. We sailed from Liverpool about 28th July; Captain Butcher was master; Mr. Law, a Southerner, was mate; Mr. Lawrence Young was purser. A Captain Bullock went out with us, but left with the pilot at Giant's Cove, near Londonderry. There were five ladies and a number of gentlemen went with us as far as the Bell Buoy. We went first to Moelfra Bay, near Point Lynas, when we anchored and remained about thirty hours. The Hercules tug brought down about forty men to us there; nothing else was then taken on board. Her crew then numbered ninety men, of whom thirty were sailors. She had no guns on board then, nor powder, nor ammunition. We left Moelfra Bay on the Thursday night at 12 o'clock, and steered for the North Channel. We discharged Captain Bullock and the pilot on Saturday afternoon. We first steered down the south channel as far as Bardsea, when we 'bout ship and steered north. From Derry we cruised about until we arrived at Angra eleven days after leaving Holyhead. About four days after we arrived an English bark, ———, Captain Quinn, arrived from London with six guns, two of them 98-pounders, (one rifled and the others smooth-bore) pivot-guns, and four 38-pounder breech-guns, smooth-bore broadside-guns, two hundred or three hundred barrels of powder, several cases of shot, a quantity of slops, two hundred tons of coal. She came alongside and made fast. We were anchored in Angra Bay, about a mile and a half or two miles from shore. After being there about a week, and while we were taking the guns and ammunition on board, the authorities ordered us away. We went outside and returned at night. The bark was kept lashed alongside, and we took the remainder of the guns, &c., on board as we could. While we were discharging the bark, the steamer Bahama, Captain Tessier, arrived from Liverpool. Captain Bullock, Captain Semmes, and forty men came in her. She also brought two 38-pounder guns, smooth-bore, and two safes full of money in gold. She had a safe on board before, taken on board at Birkenhead. The Bahama was flying the British flag. The Bahama towed the bark to another place in the island, and we followed. The next morning we were ordered away from there, and went out to sea until night, when we returned to Angra Bay. The Bahama, after towing the bark away the evening of her arrival, came back to the Alabama, or 290, in Angra Bay, made fast alongside of her, and discharged the guns on board of her, and the money.

The men struck for wages, and would not then go on board. There were four engineers, a boatswain, and captain's clerk named Smith, also came in the Bahama, and they were taken on board the same evening. All three vessels continued to fly the British flag the whole time. The guns were mounted as soon as they were taken on board. They were busy at work getting them and the Alabama, or 290, ready for fighting while the Bahama and the bark were alongside. On the Sunday afternoon following (last Sunday week) Captain Semmes called all hands aft, and the confederate flag was hoisted, the band playing "Dixie's Land." Captain Semmes addressed the men, and said he was deranged in his mind to see his country going to ruin, and had to steal out of Liverpool like a thief; that instead of them watching him he was now going after them. He wanted all of us to join him—that he was going to sink, burn, and destroy all his enemy's property, and that any that went with him was entitled to two-twentieths prize-money. It did not matter whether the prize was sunk, or burned, or sold, the prize-money was to be paid; that there were only four or five northern ships that he was afraid of. He said he did not want any to go that were not willing to fight, and there was a steamer alongside to take them back if they were not willing.

The vessel was all this time steaming to sea, with the Bahama at a short distance. Forty-eight men, most of them firemen, refused to go, and an hour afterwards were put on board the Bahama. I refused to go, and came back with the rest in the Bahama. Captain Butcher, Captain Bullock, and all the English engineers came with us, and landed here on Monday morning. When we left the Alabama she was all ready for fighting, and steering to sea. I heard Captain Semmes say he was going to cruise in the track of the ships going from New York to Liverpool, and Liverpool to New York. The Alabama never steamed while I was in her more than eleven knots, and cannot make any more. We signed articles while in Moelfra Bay for Nassau, or an intermediate port. Captain Butcher got us to sign. The provisions were [211] put on board at Laird's yard before *sailing; they were for six months. When we left her she had about ninety men and eight guns mounted, three on each side, and two pivots.

(Signed) HENRY REDDEN.

Declared and subscribed at Liverpool aforesaid, the 3d day of September, 1862. Before me,

(Signed) WILLIAM G. BATESON,
Notary Public, and a Commissioner to Administer Oaths in Chancery.

[Inclosure 3 in No. 33.]

Account.

August 31.—Henry Redden, at £6 per month.

	£	s.	d.
One month and five days, at 4*s*.	7	0	0
Advance, £6; tobacco, 1*s*. 8*d*.	6	1	8
Amount due	0	18	4

(Signed) MATTHEW JAMES BUTCHER,
Master of Steamship 290.

No. 34.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *September* 12, 1862.

SIR: With reference to your letter of the 4th ultimo, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the admiralty, copies of a further letter and its inclosures from Mr. Adams respecting the supply of cannon and munitions of war to the gun-boat No. 290.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 35.

Mr. Hammond to the law-officers of the Crown.

FOREIGN OFFICE, *September* 16, 1862.

GENTLEMEN: I am directed by Earl Russell to transmit to you, together with the former papers, a letter from the Colonial Office,[2] inclosing a copy of the judgment delivered by the court at the Bahamas in the case of the Oreto, and requesting to be informed whether it will be necessary to modify the instructions sent to the governor of the Bahamas, founded upon your report of the 29th of July for the deten-

Reference to law-officers. Judgment at Nassau in the case of the Oreto. It is necessary to modify instructions as to seizing the vessel which has left Liverpool.

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[1] No. 33.

[2] See the case of the Florida, page 37.

tion of the vessel said to have been fitted out at Liverpool for the service of the so-styled Confederate States, should that vessel put in to Nassau; and I am to request that you will take these papers into your immediate consideration and favor Lord Russell with your opinion thereupon. You will observe that the instructions for the governor of the Bahamas should be forwarded by the mail of the 27th instant.

I am, &c.,
(Signed) E. HAMMOND.

No. 36.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 22, 1862.

Mr. Adams informed of proceedings taken with regard to the vessel. Explanations as to her departure.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing a copy of a letter from the [212] United States consul at Liverpool, together with *the deposition of Henry Redden respecting the supply of cannon and munitions of war to the gun-boat No. 290. You also call attention to the fact that you have not yet received any reply to the representations you have addressed to Her Majesty's government upon the subject.

I had the honor, in acknowledging the receipt of your letter of the 23d of June, to state to you that the matter had been referred to the proper department of Her Majesty's government for investigation. Your subsequent letters were also at once forwarded to that department, but, as you were informed in my letter of the 28th of July, it was requisite before any active steps could be taken in the matter to consult the law-officers of the Crown. This could not be done until sufficient evidence had been collected, and from the nature of the case some time was necessarily spent in procuring it. The report of the law-officers was not received until the 29th of July, and on the same day a telegraphic message was forwarded to Her Majesty's government, stating that the vessel had sailed that morning. Instructions were then dispatched to Ireland to detain the vessel should she put into Queenstown, and similar instructions have been sent to the governor of the Bahamas in case of her visiting Nassau. It appears, however, that the vessel did not go to Queenstown, as had been expected, and nothing has been since heard of her movements.

The officers of customs will now be directed to report upon the further evidence forwarded by you, and I shall not fail to inform you of the result of the inquiry.

I am, &c.,
(Signed) RUSSELL.

No. 37.

The law-officers of the Crown to Earl Russell.

TEMPLE, *September* 25, 1862. (Received September 26.)

Opinion of law-officers. Vessel should be seized if she puts into Nassau.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 16th September instant, stating that he was directed to transmit to us, together with the former papers, a letter from the Colonial Office, inclosing a copy of the judgment delivered by the court of Bahamas in the case of the Oreto, and requesting to be informed whether it will be necessary to modify the instructions sent to the governor of the Bahamas, founded upon our report of the 29th July last, for the detention of the vessel said to have been fitted out at Liverpool for the service of the so-styled Confederate States, should that vessel put into Nassau; and to request that we would take these papers into consideration and furnish your lordship with our opinion thereupon.

Mr. Hammond was also pleased to state that the instructions for the governor of the Bahamas should be forwarded by the mail of the 27th instant.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That we are of opinion that if the vessel 290 should put into Nassau, she ought to be there seized, and proceeded against, provided that there be nothing in the condition of the vessel when at Nassau tending to rebut the inference which the law-officers drew from the facts laid before them with respect to the vessel when she lay at Birkenhead.

We have, &c.,
(Signed) WILLIAM ATHERTON.
ROBERT PHILLIMORE.

No. 38.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *September* 26, 1862.

Copy of law-officers' report forwarded to colonial office.

SIR: I am directed by Earl Russell to request that you will acquaint the Duke of Newcastle that his lordship thought it desirable to take the opinion of the law-officers of the Crown on the question asked by the governor of Bahama respecting the course he should pursue in regard to the confederate steamer No. 290, under the circumstances of the Oreto having been released [213] by the admiralty court at Nassau; and I am now *to inclose, for the information of the Duke of Newcastle, a copy of the report which Lord Russell has received from the law-officers.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 39.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *September* 29, 1862.
(Received September 30.)

SIR: With reference to your letter of the 12th instant, and previous correspondence, I am directed by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a report, dated 25th instant, of the commissioners of customs relative to the supply of cannon, &c., to the gun-boat No. 290.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] No. 37.

[Inclosure in No. 39.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *September* 25, 1862.

Report from commissioners of customs as to supplies said to have been furnished to the vessel at Terceira by Bahama, and another ship.

Your lordships having, by Mr. Arbuthnot's letter of the 16th instant, transmitted to us, with reference to Mr. Hamilton's letter of the 2d ultimo, the inclosed communication from the Foreign Office, with copies of a further letter, and its inclosures, from the United States minister at this court respecting the supply of cannon and munitions of war to the gun-boat No. 290, recently built at Liverpool, and now in the service of the so-called Confederate States of America, and your lordships having desired that we would take such steps as might seem to be required in view of the facts therein represented, and report the result to your lordships—

We have now to report:

That assuming the statements set forth in the affidavit of Redden (who sailed from Liverpool in the vessel) which accompanied Mr. Adams's letter to Earl Russell to be correct, the furnishing of arms, &c., to the gun-boat does not appear to have taken place in any part of the United Kingdom of Her Majesty's dominions, but in or near to Angra Bay in the Azores, part of the Portuguese dominions. No offense, therefore, cognizable by the laws of this country, appears to have been committed by the parties engaged in the transactions alluded to in the affidavit.

With respect to the allegation of Redden that the arms, &c., were shipped on board the 290, in Angra Bay, partly frem a bark, (name not given,) which arrived there from London, commanded by Captain Quinn, and partly from the steamer Bahama, from Liverpool, we beg to state that no vessel having a master named Quinn can be traced as having sailed from this port for foreign parts during the last six months. The Knight Errant, Captain Quinn, a vessel of 1,342 tons burden, cleared for Calcutta on the 12th April last with a general cargo, such as is usually reported to the East Indies, but, so far as can be ascertained from the entries, she had neither gunpowder nor cannon on board.

The Bahama steamer cleared from Liverpool on the 12th ultimo for Nassau. We find that Messrs. Fawcett, Preston & Co., engineers and iron-founders, of Liverpool, shipped on board that vessel nineteen cases containing guns, gun-carriages, shot, rammers, &c., weighing in all 158 hundred-weight, 1 quarter, 27 pounds. There was no other cargo on board, excepting 552 tons of coal for the use of the ship, and the above-mentioned goods having been regularly cleared for Nassau, in compliance with the customs laws, our officers could have no power to interfere with their shipment.

With reference to the further statement in the letter of Mr. Dudley, the consul of the United States at Liverpool, that the bark that took out the guns and coal is [214] to *carry out another cargo of coal to the gun-boat 290 either from Cardiff or Troon, near Greenock, we have only to remark that there would be great difficulty in ascertaining the intention of any parties making such a shipment, and we do not apprehend that our officers would have any power of interfering with it were the coals cleared outwards for some foreign port in compliance with the law.

(Signed) F. GOULBURN.
W. R. GREY.

No. 40.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 30, 1862. (Received October 1.)

Representation from Mr. Adams as to supplies furnished to the vessel now called the Alabama.

Destruction of whaling-ships by her.

MY LORD: I have the honor to submit to your consideration the copy of another deposition, taken at Liverpool, before the collector of the port, which, in connection with the papers heretofore presented, go to establish beyond reasonable doubt the fact that the insurgents in the United States, and their that place, have been engaged in fitting out vessels at coadjutors at that port to make war on the United States, in utter contempt of the law and of Her Majesty's injunctions in her proclamation. I expect to be in possession of some stronger evidence of the same nature in relation to past transactions, which I hope to be able likewise to submit ina few days.

The injuries to which the people of the United States are subjected by the unfortunate delays experienced in the case of my remonstrance against the fitting out of the gun-boat 290, now called the confederate steamer Alabama, are just beginning to be reported. I last night received intelligence from Gibraltar that this vessel has destroyed ten whaling-ships in the course of a short time at the Azores.

I have strong reason to believe that still other enterprises of the same kind are in progress in the ports of Great Britain at this time; indeed, they have attained so much notoriety as to be openly announced in the newspapers of Liverpool and London. In view of the very strong legal opinion which I had the honor to present to your lordship's consideration, it is impossible that all these things should not excite great attention in the United States. I very much fear they will impress the people and the Government with a belief, however unfounded, that their just claims on the neutrality of Great Britain have not been sufficiently estimated. The extent to which Her Majesty's flag, and some of her ports, have been used to the end of carrying on hostile operations, is so universally understood that I deem it unnecessary further to dwell upon it. But in the spirit of friendliness with which I have ever been animated toward Her Majesty's government, I feel it my duty to omit no opportunity of urging the manifestation of its well-known energy in upholding those laws of neutrality upon which alone the reciprocal confidence of nations can find a permanent base.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 40.]

Deposition.

Deposition of George King.

George King, of 91 Clarence street, Edge Hill, Liverpool, states that about the 12th August last he was engaged by Mr. Barnett, of Liverpool, to go on a secret expedition at £4 10*s.* a month. Was not told where he was going to, but understood he was going to the screw-steamer 290 to run the blockade. Was ordered to be at the landing-stage at 12 the next night, to go in a steamer. Asked where they were going to, and was told they were going to have some fun; that was all he was told. Went to the stage on the next night as ordered, and about midnight went off in a tug-boat to screw-steamer Bahama lying off the Rock. Sailed about 6 the next morning. When we got to Terceira we found the 290 there with a bark alongside. Don't know the bark's name, but saw Bristol on her stern. As soon as we got there Captain Semmes told us the 290 was a confederate gun-boat, and was going on a three years' cruise; that every vessel she took or destroyed would be valued, and one-half go to the confederate government and the other half [215] to the crew of the gun-boat. Only about fifteen or sixteen *signed them. Captain Bullock was present when this was done. This was on board the Bahama. Subsequently, other men signed. I and about eight others refused to go when we found what the 290 was going for. The first night, in the dark, the three cases were discharged from the Bahama into the gun-boat. She had no guns fitted then. The Bristol bark was lashed alongside, and I saw them take guns, shot, and shell out of her into the gun-boat. Saw one of the boxes taken out of the Bahama opened, and it contained the machinery for the swivel-guns. I saw the same machinery fitted for the swivel-guns on the gun-boat. I saw the guns taken from the bark fitted on the gun-boat. I did not see the other boxes from the Bahama opened, but know they contained guns, and saw them fitted on board the 290. Saw Captain Bullock superintending the fitting and arming the gun-boat 290. Captain Butcher was also there, and managed the vessel while she was being armed. She kept sailing about during the day with the bark alongside, and at night anchored in some of the bays. They worked day and most of the night. The three vessels flew the British flag all the time the 290 was arming, and until the Sunday we left her outside Terceira Bay. About 1 o'clock on that day, I think about 24th August, the 290 fired a gun, hauled down the British flag, and hoisted the confederate flag at the peak, the St. George's Cross at the fore, and a pennant at the main. She was then just outside of the bay, steering to sea. Captain Bullock and Captain Butcher were still on board of her. We kept company with her until about 12 that night, when Captains Bullock and Butcher left her and came on board the Bahama, and came back with us to Liverpool. When I was engaged by Mr. Barnett he gave me a note payable six days after the Bahama sailed, at office in Water street. My brother received the money for the note. I never signed any articles or agreement of any kind.

(Signed) GEORGE KING.

Signed and declared before me, at the custom-house, Liverpool, this 27th day of September, 1862.

(Signed) J. PRICE EDWARDS, *Collector.*

No. 41.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 4, 1862.

Mr. Adams informed that Her Majesty's government are unable to go beyond the law, municipal and international.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, inclosing a copy of another deposition taken before the collector of the port of Liverpool with reference to the proceedings of the gun-boat 290, and further expressing a belief that enterprises of a similar kind are in course of progress in the ports of the United Kingdom; and I have to state to you that, much as Her Majesty's government desire to prevent such occurrences, they are unable to go beyond the law, municipal and international.

I am, &c.,
(Signed) RUSSELL.

No. 42.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 9, 1862.

Report of customs commissioners forwarded to Mr. Adams.

SIR: With reference to my letter to you of the 22d ultimo, I have the honor to inclose a copy of a letter which I have received from the board of treasury forwarding the copy of a report from Her Majesty's commissioners of customs relative to the supply of cannon and munitions of war to the gun-boat No. 290.

I am, &c.,
(Signed) RUSSELL.

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[216] * [Inclosure in No. 42.]

The commissioners of customs to the lords commissioners of the treasury, September 25, 1862.

[See inclosure in No. 39.]

No. 43.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 9, 1862. (Received October 11.)

Further representation by Mr. Adams.

MY LORD: I now have the honor to transmit to your lordship a copy of an intercepted letter which I have received from my Government, being the further evidence to which I made allusion in my note to your lordship of the 30th September, as substantiating the allegations made of the infringement of the enlistment law by the insurgents of the United States in the ports of Great Britain.

I am well aware of the fact to which your lordship calls my attention in the note of the 4th instant, the reception of which I have the honor to acknowledge, that Her Majesty's government are unable to go beyond the law, municipal and international, in preventing enterprises of the kind referred to. But in the representations which I have had the honor lately to make, I beg to remind your lordship that I base them upon evidence which applies directly to infringements of the municipal law itself, and not to anything beyond it. The consequence of an omission to enforce its penalties is therefore necessarily that heretofore pointed out by eminent counsel, to wit, that "the law is little better than a dead letter;" a result against which "the Government of the United States has serious ground of remonstrance."

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 43.]

Mr. Mallory to Commander North, C. S. N.

NAVY DEPARTMENT,
Richmond, July 12, 1862.

Intercepted letter of Mr. Mallory, confederate secretary of the navy.

SIR: Your letter of the 29th March last reached me this morning.

The department notified you on 11th January last that you would receive orders to command the second vessel then being built in England, but for reasons satisfactory to the department you were subsequently assigned to the command of the first vessel, the Florida, (Oreto,) now at Nassau, and any just ground for the "surprise and astonishment" in this respect at the department's action is not perceived.

A commission as commander for the war was sent you on the 5th May, and your failure to follow the Oreto, which left England about the 21st March, and to take command of her as was contemplated, and as you were apprised by Captain Bullock on the 26th March, is not understood, and has been productive of some embarrassment.

Captain Bullock was nominated by the executive for his position in the navy under existing law, and was duly confirmed by the senate, and your protest to this department against the action of these co-ordinate branches of your government is out of place.

Upon the receipt of this letter you will turn over to Lieutenant G. F. Sinclair the instructions which you have received, together with any public funds in your hands, and return to the Confederate States in such manner as your judgment may direct.

Should you not be provided with funds for this purpose, Commander Bullock will, upon your application, supply them.

I am, &c.,
(Signed) S. H. MALLORY,
Secretary of the Navy.

[217] * No. 44.

Mr. Herries to Earl Russell.

LISBON, *October* 4, 1862, (Received October 12.)

Measures taken by United States minister at Lisbon.

MY LORD: Mr. Harvey, the minister of the United States, told me yesterday that he had received information of the capture and destruction of several merchant-ships belonging to the United States, off the Azores, by two armed steamers which had arrived in the month of August at Angra, in the island of Terceira, under British colors. He said he knew positively that these vessels, called the Alabama and the Barcelona, had been built and fitted out at Birkenhead for the service of the Confederate States, and that their real character was not concealed from the authorities of Angra, whom he charged with conniving at their depredations, committed, as he believed, in Portugese waters.

In consequence of this information he has dispatched to the Azores the sailing-sloop St. Louis, lately lying in the Tagus, and desired the commander of the Tuscarora to proceed from Cadiz to the same destination.

Mr. Harvey has notified these measures to the Portuguese government in, as it would seem, a somewhat menacing tone, declaring, as he states, that he must give that protection which the authorities of the Azores could not afford to the United States commerce, and that the ships of war sent thither would act against the enemy "without measuring distances from the coast."

I have not yet been able to obtain information on this subject from Viscount Sá da Bandeira, who has been prevented from communicating with me to-day owing to the preparations for the reception of the Queen.

I have, &c.,
(Signed) EDWARD HERRIES.

No. 45.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 16, 1862.

Reply to Mr. Adams's representation. The foreign-enlistment act may be evaded, but Her Majesty's government cannot go beyond the law.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a copy of an intercepted letter which you had received from the United States Government, being the further evidence with regard to the gunboat No. 290, to which you alluded in your previous communication to me of the 30th ultimo; and with reference to your observations with regard to the infringement of the enlistment law, I have to remark that it is true the foreign-enlistment act, or any other act for the same purpose, can be evaded by very subtile contrivances, but Her Majesty's government cannot on that account go beyond the letter of the existing law.

I am, &c.,
(Signed) RUSSELL.

No. 46.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 4, 1863. (Received April 4.)

MY LORD: I have the honor to submit to your consideration the copy of an affidavit voluntarily made by Clarence R. Yonge, being in the nature of accumulative evidence to show the execution of a deliberate plan to establish within the limits of this kingdom a system of action in direct hostility to the Government of the United States. This appears to corroborate in all essential particulars the evidence heretofore adduced from other quarters.

Affidavit of Clarence Yonge, forwarded by Mr. Adams.

I append the copy of a paper marked A, showing the extent to which Her Majesty's subjects, many of them alleged to belong to the naval reserve, have been enlisted in a single example of illegal enterprise.

Enlistment of British subjects, some of them belonging to naval reserve.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[218] *[Inclosure in No. 46.]

Affidavit of Clarence Randolph Yonge.

I, Clarence Randolph Yonge, citizen of the State of Georgia, in the United States, late paymaster on board the steamer Alabama, formerly called the 290, and also called the Eurica, and which was built by Messrs. Laird, at Birkenhead, in England, make oath and say as follows:

Affidavit of Clarence R. Yonge, paymaster of the Alabama.

I came to England in the steamer Annie Childs, which sailed from Wilmington, in North Carolina, early in February, 1862, and landed in England on or about the 11th of March, 1862, and remained at Liverpool until the steamer Alabama went to sea. I came over for the express purpose of acting as paymaster to the Alabama. I engaged for that purpose with Captain James D. Bullock, at Savannah, Georgia. He had full authority from the confederate government in the matters about to be mentioned. Lieutenant North had been sent over to England by the confederate government to get iron-clad vessels built. Captain Bullock had been over previously, and had made the contracts for building the Oreto and the Alabama, and was returning to England to assume command of the latter ship. He was directed at the time to assist Lieutenant North with his advice and experience in building the iron-clads, which Lieutenant North had been sent over here expressly to get built. I was in the naval paymaster's office in Savannah, Georgia, under the confederate government. Captain Bullock wanted some one to accompany him, and I was recommended by the paymaster at Savannah to Captain Bullock. I was then released by the paymaster from my engagement, and was subsequently appointed by Captain Bullock, under the written authority of Mr. S. R. Mallory, the secretary of the navy, a paymaster in the confederate navy, and assigned to the Alabama. I continued as paymaster in the navy of the Confederate States of America from the time of my appointment in Savannah, Georgia, up to the time of my leaving the Alabama at Port Royal in January, 1863. The date of my appointment as paymaster in the confederate navy was the 21st of December, 1861. Previous to this time I had attended to Captain Bullock's correspondence with the confederate government, and I therefore knew that these two vessels, afterward called the Oreto and the Alabama, were being built in England for the confederate government, and by the same means I knew that Captain Bullock, who is a commander in the confederate navy, was the acknowledged agent of the confederate government for the purpose of getting such ships built. There was some correspondence which I saw between Captain Bullock and Mr. S. R. Mallory, the secretary of the navy, relating to purchasing two English vessels which had been used as transports in the Crimean war, Captain Bullock advising against purchasing them as being unfit for the service for which they were required. I wrote the letters from Captain Bullock (and which he signed) to the secretary advising against this purchase. There was correspondence between Mr. Mallory and Captain Bullock (which I saw and copied) to the effect that the money would be ready and lodged in England to pay for these vessels as it fell due. From what I know I am satisfied that the money was all duly paid as it fell due for these vessels. I saw a letter from Captain Bullock to Fraser, Trenholm & Co., (a firm in Liverpool hereinafter again referred to,) thanking them. Captain Bullock kept copies of his correspondence, and they are deposited in one of the banks in Savannah.

From the time of my coming to England until I sailed in the Alabama my principal business was in paying the officers of the confederate navy, who were over here attached to the Alabama, and sent over for that purpose. I used to pay them monthly, about the first of the month, at Fraser, Trenholm & Co.'s office in Liverpool, and I drew the money for that purpose from that firm.

Commander James D. Bullock, John Low, lieutenant, Eugene Maffit, midshipman, E. M. Anderson, midshipman, came over to England in the same vessel with myself. Captain Bullock came over to England, in the first instance, to contract for building the two vessels, the Oreto, now called the Florida, and the Alabama. He came to contract for and in behalf of the southern confederacy, with the understanding that he was to have the command of one of the vessels. I have heard him say so; and I have learned this also from the correspondence between him and Mr. Mallory, secretary of the confederate navy, as before mentioned, which passed through my hands.

At the commencement of my engagement with Captain Bullock I acted as his clerk. The contract for building the Alabama was made with Messrs. Laird, of Birkenhead, by Captain Bullock. I have seen it myself. I made a copy from the original. The copy was in the ship. It was signed by Captain Bullock, on the one part, and Messrs. Laird, on the other. I made the copy at instance of Captain Bullock from the original, which [219] he has. *The ship cost in United States money about $255,000; this included provisions, &c., enough for a voyage to the East Indies, which Messrs. Laird were by the contract to provide. The payments were all made before the vessel sailed to the best of my belief. Sinclair, Hamilton & Co., of London, had money. Fraser, Trenholm & Co., of Liverpool, had money. There was government money in both their hands over here, enough for the purpose of paying them. I was over to see the Alabama before she was launched from Messrs. Laird's yard, and was on board the vessel with Captain Bullock, and have met Captain Bullock and one of the Messrs. Laird at Fraser, Trenholm & Co.'s office. Captain Bullock superintended the building of the Alabama and Oreto; also while he was here Captain Matthew J. Butcher was the captain who took her to sea. He is an Englishman, and represented himself as belonging to the royal naval reserve. At the time the Alabama was being built by Messrs. Laird, and when I saw them at different times at their yard in Birkenhead and at Fraser, Trenholm & Co.'s office, I have not the slightest doubt that they perfectly well knew that such steamer was being built for the southern confederacy, and that she was to be used in war against the Government of the United States. When the vessel sailed from Liverpool she had her shot-racks fitted in the usual places; she had sockets in her decks, and the pins fitted which held fast frames on carriages for the pivot-guns, and breaching-bolts. These had been placed in by the builders of the vessel, Messrs. Laird & Co. She was also full of provisions and stores, enough for four months' cruise. When she sailed she had beds, bedding, cooking utensils, and mess utensils for 100 men, and powder-tanks fitted in.

Departure of Alabama from Liverpool.

We sailed from Liverpool on the 29th day of July, 1862. This was some three or four days sooner than we expected to sail. The reason for our sailing at this time before we contemplated was on account of information which we had received, that proceedings were being commenced to stop the vessel from sailing. Captain Bullock sent Lieutenant Low to me on Sunday evening the 27th of July, to say that I must be at Fraser, Trenholm & Co.'s office early next morning. The next morning I arrived at half-past 9 o'clock. Captain Butcher came in and told me the ship which at that time was called the 290, also Eurica, would sail the next day, and he wanted me to go with him. In a few minutes Captain Bullock came in and told me he wanted me to go to sea at a minute's notice, that they were going to send her right out. I placed my things on the vessel on that evening. There were about seventy or eighty men in the vessel at this time under Captain Butcher, who had been in command of the vessel for more than a month before she sailed.

I went on the vessel on the morning of the 29th July, for the purpose of sailing. We started out of the river Mersey at about half-past 10 o'clock. Captain Butcher commanded; Mr. Low acted as first mate; George T. Fullam as second mate; and David Herbert Llewellyn as assistant surgeon.

Captain Bullock, Lieutenants North and Sinclair, were on board, also the two Messrs. Laird, Mr. A. E. Byrne, and five or six ladies, (including two Miss Lairds,) and some other gentlemen whom I do not know. When we sailed it was not our intention to return, but it was with the intention of going to sea, and so understood by us all. The ladies and passengers were taken on board as a blind.

After we got on board, one of the Messrs. Laird who built the vessel came to me and gave me £312 in English gold. Captain Bullock came and asked me if Mr. Laird had given me the money; that he had some to give me which I must put in the safe. I told him I had not received it, and went to Mr. Laird and got it. Mr. Laird counted it out for me, and I gave him a receipt for the amount. Mr. Laird gave me a number of bills and receipts at the same time for things he had been purchasing for the vessel—beds, blankets, tin-ware, knives, forks, for the ship; all of which he (Mr. Laird) had purchased from various parties on account of the ship. My understanding was that the money given me was the balance of the money left, after making these purchases. The bills and receipts which Mr. Laird gave me on this occasion, on account of the purchases he had made, were left on the ship, and were handed over by me to Francis L. Galt, who has succeeded me as paymaster on the ship.

There was a tug-boat in attendance when we left Liverpool on the 29th of July, in which the ladies and all the passengers left. We ran down immediately for Moelfra Bay, and lay there all that night, all the next day and next night, until 3 o'clock on Friday morning. I copied a letter of instructions from Captain Bullock to Captain Butcher, in which Captain Butcher was directed to proceed to Porto Praya in Terceira, one of the Azores, where it was intended that we should go to receive the armament. I knew, and all the officers knew, before we went on board that this vessel had been built for the purpose, and was to go out with the intention of cruising and making war against the Government and people of the United States.

Proceedings in Moelfra Bay.

This, as I verily believe, was well known by the Messrs. Laird, who built her [220] and helped to fit her out, and by Fraser, Trenholm & Co., *and by A. E. Byrne, of Liverpool, who also assisted in fitting her out, and by Captain Butcher and the other officers who sailed in her.

The next day after we left, the tug-boat Hercules came to us from Liverpool about 3 o'clock. She brought to us Captain Bullock and S. G. Porter, (who for a time superintended the fitting the vessel,) and some two or three men. The men signed articles that night. They had signed articles before at various times while in Liverpool, but they all came up again and renewed the articles. The advance notes had been given them in Liverpool by Captain Butcher, and made payable at Cunard, Wilson & Co. The original articles are now in Fraser, Trenholm & Co.'s office, but in possession of Captain Bullock, who transacts all his business and keeps all his papers at Fraser, Trenholm & Co. I do not know the name of the man who acted as shipping-master at Liverpool. Captain Bullock wrote a letter of instructions to me before we left Liverpool directing me to circulate freely among the men, and induce them to go on the vessel after we got to Terceira. I accordingly did circulate among the men on our way out, and persuaded them to join the vessel after we should get to Terceira. Low did the same.

We sailed from Moelfra Bay at 3 o'clock on Friday morning. We went out through the Irish Channel. Captain Bullock left us at the Giant's Causeway. We were some ten or eleven days going out to Terceira. We were in quarantine three days at Porto Praya. There was no transfer of the vessel or anything of the kind there. The bark Agrippina, from London, arrived there with a part of the armament and all the ammunition, all the clothing and coals. She was commanded by Alexander McQueen. The first day after the arrival of the bark she was getting ready for discharging. This bark is owned by the confederate government, but is nominally held by Sinclair, Hamilton & Co., of London, and sails under the British flag. This firm are connected with the confederate government.

Equipment at Terceira.

Early the following day the bark Agrippina hauled alongside, and we commenced to take the guns on board. Two or three days after this the Bahama arrived with the officers. This steamer was in command of Captain Tessier. She also sailed under the British flag. The Bahama came in, and Captain Butcher went on board, and received orders to sail to Angra. The Bahama took the bark in tow, and we all went round to Angra. After we got there we were ordered away by the authorities. There was also correspondence took place between Captain Butcher and the British consul at that place, but I never heard what it was. We went out and continued discharging and taking in all that day, and at night we and the bark ran into the bay, the Bahama keeping outside. By this time we had got all the guns, ammunition, and cargo from the steamer and bark. During all this time the three vessels were sailing under the British flag. We finished coaling on Sunday, the 24th day of August, about 1 o'clock. We received from the bark Agrippina four broadside guns, each 32-pounders, and two pivot-guns, one 68-pounder solid-shot gun, and one 100-pounder rifled gun; 100 barrels of gunpowder, a number of Enfield rifles, two cases of pistols and cartridges for the same. All the clothing for the men was also received from the Agrippina, and the fuses, primers, signals, rockets, shot, shell, and other munitions of war needed by the ship; also a quantity of coal. We received from the Bahama two 32-pounder broadside guns, a bale of blue flannel for sailors' wear, and a fire-proof chest with $50,000 in English sovereigns, and $50,000 in bank bills.

Captain Butcher or Mr. Low, the first mate, told me that Mr. M. G. Klingender had been directed to purchase in Liverpool, where Mr. Klingender resides and does business as a merchant, such supplies of tobacco and liquor as were required for the ship's use.

I made out the advance notes for the men at Liverpool on the 28th of July, 1862, while she was lying in the Birkenhead docks, which advance notes were made payable by Cunard, Wilson & Co., at Liverpool; the half-pay notes which I made out in Moelfra Bay on board the No. 290 were made payable at Liverpool by the aforesaid Mr. G. Klingender. After we arrived at Angra, and had armed the ship, and were leaving that port to enter upon the cruise, we were still under the British flag. Captain Semmes then had all the men called aft on the quarter-deck. The British flag was hauled down and the confederate one raised. He then and there made a speech; read his commission to them as a commander in the confederate navy; told them the objects of the vessel, and what she was about to do; mentioned to them their proportion of prize-money would be out of each $100,000 worth of property captured and destroyed; said he had on board $100,000; and asked them to go with him, at the same time appealing to them as British sailors to aid him in defending the side of the weak.

I had two sets of articles prepared; one for men shipping for a limited time, the other for those willing to go during the war. The articles were then re-signed, while the vessel was in Portuguese waters, but under the confederate flag. This was on Sunday, the 24th August, 1862. At the same time Captain Semmes announced [221] that the ship *would be called the Confederate States vessel Alabama. The guns which were brought out to the No. 290 in the Agrippina and the Bahama were made and furnished by Fawcett, Preston & Co., of Liverpool. The ammunition and entire armament of the vessel, as well as all the outfit, were purchased in England.

Supposed nationality of the crew.

The list hereunto annexed, marked A, contains a list of the names of all the officers on the Alabama when I left, except myself, and of all the men whom I can now remember. My belief is that we had eighty-four shipped men, inclusive of the firemen and coal-trimmers when we left Angra. All the men but three signed the articles for the period of the war. The half-pay notes were then drawn in favor of and given to the men. These half-pay notes entitled their families or friends to draw half of their pay on the 1st of every month. They were all payable by Fraser, Trenholm & Co., with whom the money for the purpose of meeting them was lodged. The first set of notes (payable at Cunard, Wilson & Co.'s) were in the form of the British marine service; the second set (payable at Fraser, Trenholm & Co.'s) were in the form used by the United States and confederate navy. Several of the men refused to sign, and returned in the Bahama to Liverpool. Captain Butcher and Captain Bullock also returned in the Bahama. We then entered upon our cruise.

Out of the eighty-four men I believe there were not more than ten or twelve Americans. There was one Spaniard, and all the rest were Englishmen. More than one-half of the Englishmen belonged to the royal navy reserve, as they informed me, and as was generally understood by all on board. Four, at least, of the officers were English, that is to say, John Low, fourth lieutenant; David Herbert Llewellyn, assistant surgeon; George T. Fullam, master's mate; and Henry Allcott, the sail-maker. I never remember at any time seeing any custom-house officer aboard this vessel. I remained aboard the vessel as paymaster from the time I joined her, as before stated, until the 25th day of January, 1863, at which time she was lying at Port Royal, Jamaica. During the whole time that I was on board her she was cruising and making war against the Government and people of the United States. I cannot recollect the names of all the vessels which she captured, but I know that the number which were captured and destroyed up to the time I left her was at least twenty-three, and, as I believe, was more. Of these twenty-three four were released upon giving ransom-bonds payable to the confederate government; such four were the ship Emily Farnham, of New York, bound to Liverpool; the Tonawanda, of Philadelphia, bound for Liverpool; the brig Baron de Custine, bound for the West Indies; and the mail steamship Ariel, on the Californian line. All the rest were burned or destroyed.

The first port touched at, Port Royal, Martinique.

The first port we went into after leaving the Western Islands was Port Royal, Martinique, where we went to provision and coal. The bark Agrippina was lying with coals for us, being the same vessel as took out the armament. We do not provision or coal there, but we went out, and afterward met the Agrippina at the island of Blanco, belonging to Venezuela. We only took coal in there. We then proceeded to the Arkas Keys, near Yucatan Banks, where we lay about ten days; where we painted the ship and re-coaled from the Agrippina, and gave the men a run on shore.

Coaling at Arkas Keys.

We then steered for Galveston, where we destroyed the United States gun-boat Hatteras, which was the last vessel we destroyed before I left her.

Arrival in Jamaica.

As soon as we got the prisoners from the Hatteras on board we started straight for Jamaica, (Port Royal.) There we provisioned, coaled, and repaired ship. All the twenty-three ships which we had burned or destroyed had been so burned or destroyed in the interval between our leaving the Western Islands and stearing for Port Royal. I heard of no objection from the authorities in

Jamaica to our repairing, coaling, or provisioning the ship in Port Royal; but, on the contrary, we were received with all courtesy and kindness. We were there about a week. While we were there the English admiral at Port Royal paid a visit to Captain Semmes on board the Alabama. I was on shore on duty at the time of the visit, but I heard of such visit immediately upon my return to the ship, for it was the subject of much conversation and remark among the officers; and, in particular, I remember Mr. Sinclair, the master, speaking of it. I also know that Captain Semmes paid a return visit to the English admiral on the day that the Alabama left Port Royal; I, myself, saw him start for the purpose. My connection with the ship terminated in Port Royal, and I subsequently came to England, where I arrived on the 22d of March, 1863.

(Signed) CLARENCE R. YONGE.

Sworn at the judge's chambers, Rolls Gardens, Chancery Lane, this 2d day of April, 1863, before me

(Signed) JOHN PAYNE, *a Commissioner, &c.*

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[222] *A.—*Officers and crew of the Alabama.*

List of crew of Alabama.

Raphael Semmes, commander.
J. M. Kell, first lieutenant.
Richard F. Armstrong, second lieutenant.
Joseph Wilson, third lieutenant.
John Low, fourth lieutenant; Englishman; sisters living in Liverpool; made his allotment payable to brother-in-law, Charles Green, jr. Fraser, Trenholm & Co. pay the men all the allotments; that is, the half-monthly pay. Every month they draw this allotment.
Arthur Sinclair, master; that is, sailing-master.
Francis L. Galt, surgeon, from Virginia; now acting as paymaster.
Miles J. Freeman, first assistant engineer, ranks as chief; born in Wales; does not know whether naturalized.
David Herbert Llewellyn, assistant surgeon; Englishman.
B. K. Howell, brother-in-law of Jeff. Davis, lieutenant of marines, (no marines on board.)
William H. Sinclair, midshipman.
Irvine S. Bullock, midshipman; Captain Bullock's brother.
Eugene Maffit, midshipman; Captain Maffit's son.
Edward Maffit Anderson, midshipman; son of Colonel Anderson.
William P. Brooks, second assistant engineer.
S. W. Cummings, third assistant engineer.
Matthew O'Brien, third assistant engineer.
John M. Pundt, third assistant engineer.
George T. Fulham, first master's mate; Englishman; father teacher of navigation school in Hull.
James Evans, second master's mate, Charleston pilot.
William B. Smith, captain's clerk.
Benjamin L. Mecasky, boatswain.
T. C. Cuddy, gunner.
William Robinson, carpenter.
Henry Allcot, sail-maker; Englishman.

Petty officers and seamen.

James King, master-at-arms, Savannah pilot.
Adolphus Marmelstein, signal quartermaster, Savannah pilot.
William A. King, quartermaster, Savannah pilot.
James G. Dent, quartermaster, Savannah pilot.
William Forestall, quartermaster, Savannah pilot.
Ralph Masters, quarter gunner.
William Crawford, quarter gunner, royal naval reserve, England.
George Addison, armorer.
William Rinton, carpenter's mate; Englishman.
Edward Rawes, ship's carpenter; Englishman.
George Harwood, chief boatswain's mate; English reserve; English government pay him a pension; time up February 24, 1863, (as he states.)
Michael Genshla, fireman; has a pension in England; has been discharged November 25, 1862; Irishman.
Brent Johnson, second boatswain's mate; English reserve.
William Pundy, sail-maker's mate; English.
John Latham, fireman; English.
David Roach, fireman; English.
Thomas Murphy, fireman; English.
John McAlee, ordinary seaman; English.
Thomas Welsh, ordinary seaman; English.
James Smith, captain of the forecastle; English.
[223] *Peter Duncan, fireman; English.
Richard Parkinson Ward, purser's steward; English.
George Appleby, yeoman; English.
John Enwry, seaman; English.
William Heam, seaman; English.
Thomas L. Parker, boy; English.

A. G. Bartelli, captain's steward; American.
Edward Fitzmorris, ordinary seaman; English.
George Egerton, fireman; lives at Liverpool; English.
James McFaden, fireman; time up 24th February, 1863; English.
William Robinson, able seaman; English.
Martin Molk, able seaman; English.
George Yeoman, ordinary seaman; English.
William McGinley, able seaman; English.
George Freemantle, able seaman; English.
Frederick Johns, purser's steward; English.
John Grady, boy; uncle lives at 56 Regent street, Liverpool; bootmaker; English.
Thomas Weir, gunner's mate; English.
James Brasner, able seaman; English.
Edgar Fripp, seaman; English.
John Neil, seaman; English.
Joseph Neil, seaman; English.
Samuel Henry, seaman; English.
John Roberts, seaman; English.
John Duggan, seaman; English.
Martin King, seaman; English.
F. Williams, seaman; English.
R. Williams, seaman; English.
Joseph Pearson, seaman; English.
Joseph Connor, seaman; English.
Thomas McMillan, seaman; English.
Michael Mars, seaman; English.
Robert Egan, boy; English.
Malcolm McFarlane, seaman; English.
Peter Henry, seaman; English.
Charles Godwin, seaman; American.
James Higgs, captain of hold; English.
Peter Huges, seaman; American.
Henry Fisher, seaman, belonging to reserve; English.
Frank Townsend, seaman, belonging to reserve; English.
Frank Cunen, seaman, belonging to reserve; English.
William Levins, coal trimmer; English.

There are now several men on board of the Alabama who have joined the ship since we entered upon the cruise, some of whom are Americans.

(Signed) CLARENCE R. YONGE.

This is the list marked A referred to in the affidavit of Clarence Randolph Yonge, sworn this 2d day of April, 1863, before me,

(Signed) JOHN PAYNE,
A Commissioner, &c.

No 47.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 17, 1863.

Correction of a statement by Consul Dudley respecting Mr. Welsman having been on board the Alabama and Oreto on trial-trips.

SIR: My attention has been called by a member of the firm of Messrs. Fraser, Trenholm & Co., of Liverpool, to a letter which appeared in the Daily News of 2d of April last, purporting to be a letter addressed by Mr. Thomas H. Dudley, United States consul at Liverpool, to the collector of customs at that port.

In that letter it is stated that when the Alabama was first tried, Mr. Welsman, one of the firm of Fraser, Trenholm & Co., was present, and that he accompanied that vessel on her various trials, as he had also accompanied the Oreto on her trial-trip and on her departure.

Mr. Welsman positively denies that he was present when the Alabama was first tried, or that he ever accompanied her in any way on any of her supposed trials. He further denies that he ever set foot on board the Oreto; and he has recorded these denials in an affidavit subscribed and sworn to before the acting British consul at Charleston.

With the view of placing Mr. Welsman's statement still further upon record, and as evidence of the incorrectness of Mr. Dudley's assertion, I have the honor to communicate to you the substance of Mr. Welsman's affidavit for the information of your Government.

I am, &c.,
(Signed) RUSSELL.

No. 48.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 22, 1863. (Received August 24.)

MY LORD: I have the honor to acknowledge the reception of your note of the 17th instant relating to the notice taken by Mr. Welsman, one of the firm of Fraser, Trenholm & Co., of certain statements made respecting him by Mr. Dudley, the consul of the United States at Liverpool. I have transmitted a copy of the same for the information of my Government, and another to Mr. Dudley.

Consul Dudley and the United States Government informed of this correction.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 49.

Mr. Layard to Mr. Laird, M. P.

FOREIGN OFFICE, *August* 31, 1863.

SIR: In a note which Lord Russell has lately received from Mr. Adams, the Alabama is described as a vessel "fitted out and dispatched from the port of Liverpool," and his lordship directs me to say that he would feel much obliged to you [224] if you could inform *him how far it is true that the Alabama was fitted out as a vessel of war at Liverpool before she left that port.

Inquiry made of Mr. Laird as to the Alabama having been fitted out as a ship of war at Liverpool.

I am, &c.,
(Signed) A. H. LAYARD.

No. 50.

Mr. Laird, M. P., to Mr. Layard.

BIRKENHEAD, *September* 2, 1863.

SIR: In reply to your letter of the 31st August, stating that Lord Russell would feel much obliged to me if I can inform him "how far it is true that the Alabama was fitted out as a vessel of war at Liverpool before she left that port," I request that you will inform his lordship that I am not able, from my own personal observation or knowledge, to reply to his lordship's inquiry, as I did not see the Alabama after the first week in July, 1862, being some weeks before she sailed.

Mr. Laird's reply. The Alabama was not fitted out as a ship of war when delivered at Liverpool. She left port without any armament.

In order to obtain for his lordship from a reliable source the information he has asked for, I have made inquiries from my successors in business, the firm of Laird Brothers, the builders of the vessel now called the Alabama, and I am authorized by them to state that the vessel referred to was delivered by them at the port of Liverpool, and that at the time of her delivery she was not fitted out as a vessel of war.

They also confirm, in every respect, the report of Mr. Morgan, the surveyor of customs at Liverpool, dated 30th July, 1862 (ordered by the House of Commons to be printed 24th March, 1863,) in which he states that a strict watch had been kept upon the vessel, and that she left the port without any part of her armament on board.

I am, &c.,
(Signed) JOHN LAIRD.

No. 51.

Earl Russell to Mr. Adams.

Foreign Office, *September* 14, 1863.

Mr. Adams informed of Mr. Laird's statement.

Her Majesty's government disclaim any responsibility for the proceedings of the Alabama.

Sir: In acknowledging the receipt of your letter of the 24th ultimo,[1] in which you request that Messrs. Upton's claim on account of the destruction of their vessel, the Nora, by the Alabama may be added to others of the same kind which you have heretofore presented to me, I must, on the part of Her Majesty's government, repeat the disclaimer which on more than one occasion I have already made to you of all responsibility in regard to the proceedings of the Alabama, or of any other confederate cruiser.

But, as it is stated in your letter that the Alabama was "fitted out and dispatched from the port of Liverpool," and as these words imply that you suppose she was fitted out as a vessel of war, I have thought it right to ask Mr. Laird how far that statement is borne out by the facts, and I have the honor to inclose, for your information, a copy of a letter which I have received from that gentleman in reply,[2] stating that from the information he had received it appears that the Alabama was not fitted out at Liverpool as a vessel of war.

When the United States Government assumes to hold the government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels of war in a foreign port because such vessels were originally built in a British port, I have to observe that such pretensions are entirely at variance with the principles of international law, and with the decisions of American courts the highest authority; and I have only, in conclusion, to express my hope that you may not be instructed again to put forward claims which Her Majesty's government cannot admit to be founded on any grounds of law or justice.

I am, &c.,
(Signed) RUSSELL.

No. 52.

Mr. Adams to Earl Russell.

Legation of the United States,
London, *September* 17, 1863. (Received September 18.)

Mr. Adams' reply as to Mr. Laird's evidence.

My Lord: I have had the honor to receive your note of the 14th instant, in reply to mine of the 24th ultimo, presenting the claim of Messrs. Upton on account of the destruction of [225] * the ship Nora. I shall transmit a copy of the same for the consideration of my Government, with whom the withdrawal of instructions necessarily rests. In the mean time I shall abstain from presenting the papers in another case which have come to hand until further advices.

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[1] For this letter and other correspondence respecting American claims, see the correspondence presented to Parliament.

[2] No. 50.

I cannot but regret that your lordship should have adduced the evidence of Mr. Laird in support of any proposition made to my Government. I trust that I may be pardoned if I remind you that the statements made heretofore by that person in Parliament respecting their action are not such as are likely to lead to their implicit credence in any relation to his own.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 53.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *December* 7, 1863.

Explanation requested from customs as to intelligence having been received by officers of Alabama of her intended seizure at Liverpool.

SIR: I am directed by Earl Russell to request that you will call the attention of the lords commissioners of Her Majesty's treasury to the following passage in a printed pamphlet, entitled a "Journal kept by an officer on board the Alabama," a copy of which has been forwarded to his lordship:

(Page 5.) "Our unceremonious departure was owing to the fact of news being received to the effect that the customs authorities had orders to board and detain us that morning."

Lord Russell considers that steps should be taken to ascertain, if possible, how these orders could have become known, and I am to request that you will move their lordships to cause inquiries to be made on the subject.

I am, &c.,
(Signed) E. HAMMOND.

No. 54.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
December 22, 1863. (Received December 22.)

SIR: With reference to your letter of the 7th instant, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a report from the commissioners of customs on the subject of a certain paragraph in a pamphlet entitled, "Journal kept by an officer on board the Alabama."

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 54.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *December* 18, 1863.

Statement from customs.

Mr. Hamilton having by his letter of the 8th instant transmitted to us a letter from the Foreign Office (herewith returned) calling attention to the following passage in a printed pamphlet entitled, "Journal kept by an officer on board the Alabama," viz: "Our unceremonious departure was owing to the fact of news being received to the effect that the customs authorities had orders to detain us that morning," and signified your lordships' desire that we would inquire and report how these orders could have become known to the parties concerned, we report—

That your lordships' order directing the seizure of the vessel 290, subsequently known as the confederate steamer Alabama, was dated 31st July, 1862, and was not received at the custom-house until the evening of that day, when instructions were at once forwarded by telegraph to the collectors of this revenue at Liverpool and Cork to seize the vessel if she could be met with, and on the following day directions to the like effect were sent to the officers at Beaumaris and Holyhead.

The vessel had, however, left the Mersey on the 29th preceding, (as stated for your lordships' information in our secretary's letters of that date and the following day,) bound ostensibly on a trial trip, from which she did not return.

[226] *It is impossible, therefore, that any information of the intention of the government to direct the seizure of the vessel could have been obtained from the officers of this department, inasmuch as that intention, though known of course earlier in other public offices, was not made known to us, nor was your lordships' order to detain the vessel transmitted to us until 4 p. m., on the 31st July, or two days after the Alabama had left the Mersey, and twelve hours after she had finally sailed from Moelfra Roads.

(Signed) THOS. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

No. 55.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 13, 1864. (Received January 13.)

Statement by John Latham, a seaman who deserted from the Alabama at Jamaica.

MY LORD: I pray your attention to copies of a letter of the consul of the United States at Liverpool, and of three depositions, all going cumulatively to prove the manner in which the neutrality of Her Majesty's realm has been abused by some of her subjects, for the purpose of carrying on war against the United States. I have every reason to suppose that these proceedings are continued without material diminution.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 55.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE, *Liverpool, January* 11, 1864.

SIR: I beg to call your attention to copies of three affidavits: one of John Latham, another of his wife, Martha Latham, and the other that of Thomas Winstinley, inclosed. It is a well-known fact that the steamer Alabama, which was built and fitted out at this port, and manned by British seamen, regularly receives her coal and supplies from this country, and that the families of the men now serving on board are paid once a month here in Liverpool by M. G. Klingender & Co., and Fraser, Trenholm & Co., the one-half part of the wages earned by the men on board this vessel. John Latham, of Swansea, in Wales, was one of the men who enlisted on said steamer. During the time of his service on board, his wife, Martha Latham, received regularly each month the one-half part of his wages, which was sent to her by M. G. Klingender & Co., No. 22 Water street, Liverpool. The money was transmitted in post-office orders. The letters in which this money was sent are annexed to her affidavit, and copies inclosed to you. At the time of enlisting Mr. Latham received a bounty. He sent £5 of this to his wife by Captain James D. Bullock. This £5 was paid to Thomas Winstinley for her at Fraser, Trenholm & Co.'s office by their cashier.

I regard these affidavits as important to show the character and nationality (if she has any) of this vessel, which, built in England, fitted out in England, armed with

English guns, and manned by English seamen; supplied with coal and other necessaries while cruising from England, in English vessels, by English merchants; and the wages earned by the men while serving on board paid here in Liverpool by these same merchants to their wives and families residing here, stamps her, it seems to me, if anything can, as an English piratical craft.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 55.]

Affidavit of John Latham.

I, John Latham, of 36 Jasper street, Liverpool, in the county of Lancaster, engineer, make oath and say as follows:

1. About the 8th or 10th of August, 1862, I signed articles at the Sailor's Home, Liverpool, to ship in the steamship Bahama, Captain Tessier, for a voyage to Nassau and back. The Bahama went out of the Bramley Moore dock the same night about
[227] *12 o'clock, and went into the river and lay to. Captain Semmes, Captain James D. Bullock, and some other officers came on board, and about half-past 7 o'clock a. m. a tug-boat came alongside with some seamen on board; the tug-boat accompanied us out about ten miles. The tug then left us, and a tall gentleman, with a reddish face and pock-marked, who came from Cunard, Wilson & Co.'s office, left us and went into the tug; as he left us he said, "I hope you will make a good thing of it, and that you will stop where you are going to." We then proceeded on our voyage, and stood out some days, when we found we were going to the Western Isles.

2. About the 17th or 18th of August we arrived at Terceira, and we there found the Alabama and the bark Agrippina. Captain Butcher, who was on board the Alabama, hailed us and told us to go round the island, and he would be after us, but it would take them three-quarters of an hour to get his steam up. We went on, and he followed us, and the Alabama went under the lee of the island, and a shot was fired across the Bahama's bows from a battery on shore, so we stopped out until the morning. In the morning we went alongside the Alabama, and some small cases and a safe containing money was passed into the Alabama from our ship, and we then parted and anchored a little distance from her, and the bark Agrippina went and discharged the remainder of her cargo into the Alabama. During this time Captain Semmes and Captain Bullock were going backward and forward to the Alabama, but would not let any of the officers go. On Sunday, the 24th of August, Captain Semmes came on board the Bahama, and called us under the bridge, he himself and the officers standing on the bridge; he addressed us and said, "Now, my lads, there is the ship," (pointing to the Alabama,) "she is as fine a vessel as ever floated; there is a chance which seldom offers itself to a British seaman, that is, to make a little money. I am not going to put you alongside of a frigate at first; but after I have got you drilled a little, I will give you a nice little fight." He said, "There is only six ships that I am afraid of in the United States Navy." He said, "We are going to burn, sink, and destroy the commerce of the United States; your prize-money will be divided proportionately according to each man's rank, something similar to the English navy." Some of the men objected, being naval, reserve men. Captain Semmes said, "Never mind that; I will make that all right; I will put you in English ports where you can get your book signed every three months." He then said, "There is Mr. Kell on the deck, and all those who are desirous of going with me let them go aft and give Mr. Kell their names." A great many went aft, but some refused. A boat came from the Alabama, and those who had agreed to go went on board. Captain Semmes and the officers went on board. Mr. Low, the fourth lieutenant, then appeared in uniform, and he came on board the Bahama, endeavoring to induce the men to come forward and join, and he succeeded in getting the best part of us. I was one who went at the last minute. When I got on board the Alabama, I found a great number of men that had gone on board of her from Liverpool. Captain Semmes then addressed us on board the Alabama, and Captain Butcher was there also, who had taken the vessel out. Captain Semmes said he hoped we should all be content ourselves and be comfortable one among another; but any of you that thinks he cannot stand to his gun I don't want. He then called the purser, and such as agreed to serve signed articles on the companion-hatch, and on signing the men received either two month's pay in advance, or one month's wages and a half-pay note. I took a months' wages and a half-pay note for £3 10*s*. a month in favor of my wife, Martha Latham, 19 Wellington street, Swansea; the note was drawn on Fraser, Trenholm & Co., of Liverpool, but it was paid at Mr. Klingender's in Liverpool; the note was signed by Captain Semmes, Yonge, who was the paymaster, and Smith, the captain's clerk. I sent £5 and this half-pay note ashore by Captain Bullock, and he forwarded it with a letter to my wife.

3. Captain Bullock on the passage out, and after we arrived at Terceira, used argu-

ments to induce us to join the Alabama. On several occasions he advised us, and urged the men to join.

4. As soon as the men who had consented to go had all signed articles, the English ensign which the Alabama had been flying was pulled down, and the confederate flag hoisted, and a gun was fired. The men who declined joining left the ship with Captains Bullock and Butcher for the Bahama, and we proceeded, under the command of Captain Semmes; and I have in the schedule hereto annexed given a list of the officers and men, with their places of residence.

5. We proceeded on our voyage, and cruised about the Western Isles for some days, and on the following Sunday we fell in with a whaler, and burnt her; and we then cruised about, and in about two days we fell in with the schooner Starlight, from Boston. We fired at her four times. Her captain said, "If I had but one gun on board I [228] would fight *you." He tried to make the land, but we overhauled him, and he brought to. We kept the crew of the schooner, and on the next day we landed them at the Western Isles, and took the schooner in tow, for the purpose of decoying other vessels with the stars and stripes. We succeeded in capturing several; among other vessels we captured the Manchester, of Philadelphia line of packets, bound from New York to Liverpool. We burnt this vessel, having first taken her crew, and we put them on board the Tonawanda, which we had previously captured, and had then in tow. Among the crew there was a man of the name of George Forrest, who one of the midshipmen recognized as having been a seaman on board the Sumter, and had deserted. He was brought on board to Captain Semmes, who told him that he behaved well he should have his pay and prize-money as the other men, but that he had a right to detain him throughout the war without paying him a cent. Forrest was retained on board the Alabama, was frequently punished by having his hands and legs fastened to the rigging, the punishment being known as the "spread eagle," and he would be kept in this position for four hours at a time, and this was done at least twenty times, and at last they ironed his legs and arms, and sent him on shore on a desolate island called Blencoola, some two hundred miles from the mainland, and left him. The crew subscribed some £17, unknown to Captain Semmes, which we gave him, in the hope of its being some inducement to a vessel to take him off.

6. The bark Agrippina, flying the British flag and loaded with coals from Cardiff, was at Martinique when we arrived there; and she went out to sea, and whilst out she supplied us with coal. After this we went to Arkaskees, where we stopped and painted the ship, and then went toward Galveston, and off that place we fell in with the American ship Hatteras, which we sunk. We got her crew on board, and proceeded to Port Royal, Jamaica. There I ran away, and left the Alabama. While there the Alabama enlisted two British sailors, who had deserted from Her Majesty's ships Jason and Steady. Thomas Potter, who was fireman, also ran away, but the men of the Alabama came after him and arrested him, and took him back to the ship. Clarence Yonge, the purser, also left the ship. I was also arrested at an hotel in Jamaica by the Alabama's crew. They wanted to force me on board, but I refused to go until I had seen the governor of the island, whose residence was some fifteen miles distant; and I saw the superintendent of the police, who on my producing a certificate that I was a naval coast volunteer on board Her Majesty's ship Majestic, I was released.

7. My wife received my half-pay. She used to receive it by post-office order, payable at Swansea; and to obtain this she every month used to write Messrs. Fraser, Trenholm & Co., or M. G. Klingender & Co., Liverpool, inclosing the half-pay note; and the latter firm used to send her a post-office order for the £3 9*s.* 5*d.*, deducting the cost of the order and the postage. In February or March she wrote as usual for the half-pay note. They wrote, in reply, that they could send her no more money, as I had left the ship, but they did not return her the half-pay note.

8. On my return I called at Fraser, Trenholm & Co.'s office for the balance of my wages, but they declined to pay me, and denied all knowledge of the ship; but Mr. Cooper gave me the name of Mr. M. G. Klingender, and told me to see him, and see if he could arrange it. I did so, but he told me he would not do so, as they had received a note from Captain Semmes that I had deserted at Jamaica.

9. The guns comprising the armament on the Alabama have Fawcett, Preston & Co.'s marks on them, showing they were made by this firm.

(Signed) JOHN LATHAM.

Sworn and subscribed to before me this 8th day of January, 1864, at Liverpool, in the county of Lancaster.

(Signed) J. PEARSON,
A Commissioner to Administer Oaths in Chancery in England.

SCHEDULE BEFORE REFERRED TO.

Officers and crew of the steamer Alabama.

Raphael Semmes, commander.
J. M. Kell, first lieutenant.
Richard F. Armstrong, second lieutenant.
Joseph Wilson, third lieutenant.
John Low, fourth lieutenant; Englishman.
Arthur Sinclair, master, that is sailing-master.
[229] *Francis L. Galt, surgeon, from Virginia; now acting as paymaster.
Miles J. Freeman, first assistant engineer, ranks as chief; born in Wales; does not know whether naturalized.
David Herbert Llewellyn, assistant surgeon; Englishman.
B. K. Howell, brother-in-law of Jeff. Davis; lieutenant of marines, (no marines on board.)
William H. Sinclair, midshipman.
Irvine S. Bullock, midshipman; Captain Bullock's brother.
Eugene Maffit, midshipman; Captain Maffit's son.
Edward Maffit Anderson, midshipman; son of Colonel Anderson.
Wm. P. Brooks, second assistant engineer.
S. N. Cummings, third assistant engineer.
Matthew O'Brien, third assistant engineer.
John M. Pundt, third assistant engineer.
George T. Fullam, first master's mate; Englishman.
James Evans, second master's mate; Charleston pilot.
W. B. Smith, captain's clerk.
Benjamin L. McCaskey, boatswain.
T. O. Cuddy, gunner.
William Robinson, carpenter.
Henry Allcott, sailmaker; Englishman.
Clarence R. Yonge, paymaster.

Petty officers and seamen.

James King, master-at-arms; Savannah pilot.
Adolphus Marmelegs, Portuguese.
William A. King, quartermaster.
James King, master-at-arms.
James G. Dent, quartermaster.
William Forestall, quartermaster; Englishman.
Ralph Masters, quarter gunner; Irishman.
William Crawford, Englishman; lives in Liverpool; belongs to royal naval reserve.
George Addison, Englishman; lives in Liverpool.
William Brinton, Englishman; royal naval reserve.
——— Robinson, head carpenter.
George Harwood, boatswain's mate; Englishman; pensioner from English navy; joined her at Liverpool Home; now is in Southerner as boatswain; lives in Liverpool.
Michael Kinshler, Irishman; fireman; has a pension in England.
Brent Johnson, second boatswain's mate; Englishman; naval reserve man; joined vessel at Liverpool.
William Purdy, sailmaker's mate; Irishman by birth; lives in Liverpool; belongs to naval reserve; joined her in Liverpool.
John Latham, fireman; an Englishman; belongs to coast volunteers; enlisted in Alabama at Terceira.
David Roach, fireman; Englishman; resides in Liverpool; belongs to royal naval reserve; enlisted in Liverpool; left her 22d November.
Thomas Murphy, fireman; Englishman; left her at Western Islands.
Thomas Welch, Englishman; left the ship; he enlisted in the Alabama in Liverpool.
James Smith, captain of forecastle; Englishman; residing in Liverpool; belongs to naval reserve; enlisted on board of Alabama in Liverpool.
Edward Fitzmorris, Englishman; enlisted on Alabama in Liverpool; is at home now; his wife lives at Aigburth.
George Addison, fireman; Englishman; lives at Liverpool, Copperas Hill; enlisted at Terceira.
James McFadgeon, fireman; Englishman; lives at No. 6, West Derby street, Liverpool; enlisted at Terceira; is now at home.
Thomas Potter, fireman; Englishman; enlisted in Alabama at Liverpool; lives in Athol street, Liverpool; deserted at Jamaica; they arrested him there and carried him on board; his wife lives in Liverpool now.
Samuel Williams, fireman; lives in Liverpool; born in Wales; enlisted in Alabama at Liverpool.
Patrick Bradley, fireman; Englishman; resides in Liverpool; enlisted in Liverpool.
John Orrigin, fireman; Irishman; resides in Athol street, Liverpool; enlisted in Liverpool.
Orran Duffy, fireman; Irishman.
Peter Duncan, fireman; Englishman; resides in Liverpool; enlisted in Liverpool.
William Nevins, coal-passer; Englishman; belongs to naval reserve; enlisted at Liverpool.
Andrew Shillings, Scotchman; resides in Athol street, Liverpool; has a wife; enlisted at Liverpool; is a fireman.
Charles Priest, coal-passer; is a German.
George Yeoman, ordinary seaman; Englishman; enlisted at Terceira.

George Freemantle, seaman; Englishman; enlisted at Terceira.

[230] *Frederick Johns, purser's steward; Englishman; resides in Liverpool; father keeps a coal-yard in Howard street; enlisted at Terceira.

John Grandy, boy; English; lives in Liverpool.

Thomas Weir, gunner's mate; Englishman; enlisted at Liverpool.

James Busman, seaman; Englishman.

Edgar Tripp, seaman; Englishman; lives in London; enlisted at Liverpool.

John Neil, seaman; Englishman; lives with his sister in Manchester street, Liverpool; belongs to naval reserve; enlisted at Terceira.

Thomas Winter, fireman; Englishman; lives in Liverpool; his father is ticket collector at the Adelphi Theater; enlisted at Liverpool.

Samuel Henry, seaman; Englishman; resides in Liverpool; naval reserve man; enlisted at Liverpool.

John Roberts, seaman; Welshman; thinks he resides in Liverpool; enlisted at Terceira.

John Duggan, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Martin King, seaman.

Thomas Williams, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Robert Williams, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Joseph Pearson, seaman; Englishman; belongs to Chester; enlisted at Liverpool.

Joseph Connor, seaman: Englishman; resides in Walnut street; his wife lives there, and keeps a butcher's shop; belongs to naval reserve; joined at Terceira.

Thomas McMullen, seaman; Englishman; resides in Liverpool; joined at Terceira.

Michael Mars, seaman; Englishman; belongs to Bristol; naval reserve; joined at Terceira.

Robert Egan, boy; English; belongs to Chorley.

Malcolm McFarlane, seaman; Scotchman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Peter Henny, seaman; Irishman; lives in Liverpool; enlisted at Terceira.

Charles Goodwin, seaman; Englishman; resides in Liverpool; enlisted at Terceira.

James Hicks, captain of the hold; Englishman; enlisted at Liverpool, thinks he resides here.

Robert Parkinson, ward-room steward; Englishman; resides in Liverpool; enlisted at Liverpool.

George Appleby, Yeoman; Englishman; resides in Liverpool; married man; enlisted in Liverpool.

John Emory, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

William Hearn, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.

Thomas L. Parker, boy; English; stops with Brent Johnson.

A. G. Bartelli, seaman; Portuguese.

Peter Hughes, captain of top; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Liverpool.

Henry Fisher, seaman; Englishman; resides at Liverpool; enlisted at Liverpool.

Frank Townsend, seaman; Englishman; enlisted at Liverpool.

George Forrest, seaman; Irishman; taken off the ship Manchester, because he had deserted from the Sumter, and tried by a court-martial for causing mutiny, and sent on shore in irons to Island Blanco, and left there. Previous to his being tried for mutiny, he was tied up twenty times in the rigging, with his arms spread, for four hours at a time, day and night.

(Signed) JOHN LATHAM.

[Inclosure 3 in No. 55.]

Affidavit of Martha Latham.

I, Martha Latham, of 19 Wellington street, Swansea, in the county of Glamorgan, wife of John Latham, make oath and say as follows:

My husband was one of the crew of the steamer Alabama. In the month of August, 1862, my husband, who was in Liverpool, wrote to me that he was going out in the steamer Bahama to run the blockade. Some weeks after that I received a letter from my husband dated at the Western Islands, stating that he had joined the steamer Alabama for £7 a month. On the same day I received another letter from Captain James D Bullock, inclosing me a half-pay note, signed by Captain Semmes, for the half-pay [231] of my husband while he served on board of said steamer Alabama. The * note was payable to me at Fraser, Trenholm & Co., in Liverpool. In the latter part of August, or first part of September, 1862, my husband's cousin, Thomas Winstinley, 36 Jasper street, Liverpool, received £5 for me from the office in Liverpool. I had sent him Captain Bullock's letter, and the one from my husband; I sent my half-pay note to

Liverpool to draw the money on it. It was returned to me in the letter annexed hereto, marked A. I signed my name and sent it to the office of M. G. Klingender & Co., Liverpool, who sent me £3 10*s.*, less 7*d.* the expenses. It was sent me in a post-office order, in a letter dated 3d October, 1862, annexed hereto, and marked on back Exhibit B. On the 31st October, 1862, M. G. Klingender & Co. sent me another letter inclosing me another order for £3 9*s.* 6*d.*, being another month's half-pay on said note. On the 31st December, 1862, the Messrs. Klingender & Co. sent me another letter inclosing me an order for £3 9*s.* 6*d.* on account of said half-pay note. The letter is annexed hereto, and marked Exhibit C on back. I received another half-pay of £3 9*s.* 6*d.*; it must have been in January, but the letter in which it was sent, as well as the letter written to me by Captain Bullock above-mentioned, has been mislaid. All the money orders were paid to me. In February or March I received from M. G. Klingender & Co. a letter, without date, stating that my husband had deserted, and stopping the pay on the allotment note. I had been in the habit of sending them the note every time I drew the money; the last time I sent it they retained it, and sent me the last-mentioned letter, but no money. They still have the allotment note in their possession. The letter from M. G. Klingender & Co., dated 31st of October, 1862, above mentioned, is annexed hereto, and marked Exhibit D. The last letter from them to me, without date, above mentioned, is also annexed hereto, and marked Exhibit E.

(Signed) MARTHA LATHAM.

Sworn and subscribed to this 31st day of December, 1863.

(Signed) J. ROLLY FRIPP,
A Commissioner for Taking Oaths in the Court of Queen's Bench at Westminster.

A.

LIVERPOOL, *September* 30, 1862.

Messrs. M. G. Klingender & Co. must request Mrs. Martha Latham, before paying her the £3 10*s.*, to sign her name at the back of the allotment note, and then return it to them, when they will remit her a money-order for the amount, less cost of order.

Mrs. M. LATHAM, 19 *Wellington street, Swansea, South Wales.*

P. S.—Please note address, No. 22 Water street, Liverpool.

EXHIBIT B.

22 WATER STREET, *Liverpool, October* 3, 1862.

Mrs. MARTHA LATHAM, 19 *Wellington street, Swansea, South Wales:*

MADAM: Inclosed please find a money-order payable at the post-office of your town for £3 9*s.* 5*d.* In future you must send us your allotment-note signed across a receipt stamp.

Returning you the note, we are, &c.,
Per M. G. Klingender & Co.,
(Signed) C. F. VON MELLE.

	£	*s.*	*d.*
Money-order	3	9	5
Cost of order	0	0	6
Receipt-stamp	0	0	1
	£3	10	0

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[232] * EXHIBIT D.

LIVERPOOL, *October* 31, 1862.

Mrs. MARTHA LATHAM, 19 *Wellington street, Swansea, South Wales:*

MADAM: We inclose you a money-order for £3 9*s.* 6*d.*, payable at the post-office of your town.

Returning you your note, we are, &c.,
Per M. G. Klingender & Co.,
(Signed) C. F. VON MELLE.

	£	s.	d.
	3	9	6
Cost of order	0	0	6
	3	10	0

EXHIBIT C.

LIVERPOOL, *December* 31, 1862.

Messrs. Klingender & Co. inclose Mrs. Martha Latham a post-office order for £3 9*s.* 6*d.*, deducting as usual 6*d.* per cost of order.

No. 19 Wellington street, Swansea, South Wales.

EXHIBIT E.

MARTHA LATHAM, 19 *Wellington street, Swansea, South Wales:*

MADAM: We have this day received advices per West India mail from Saint Domingo, stating that John Latham, with three other men, deserted the Alabama on the 25th January, at Kingston, Jamaica, and of course their allotment-notes must be stopped.

We are, &c.,
Per M. G. Klingender & Co.,
(Signed) C. F. VON MELLE.

[Inclosure 4 in No. 55.]

Affidavit of Thomas Winstinley.

I, Thomas Winstinley, of Liverpool, in the county of Lancashire, residing at 36 Jasper street, make oath and say:

I am a cousin of John Latham. After he had joined the Alabama in the summer of 1862, his wife, Martha Latham, wrote me that Mr. Latham had sent home a part of his advance wages, and requested me to go to Fraser, Trenholm & Co., in Liverpool, and get it for her.

I went to Fraser, Trenholm & Co.'s office either the last part of the month of August, or the fore part of September, 1862. I saw one of the men in their office. I presented him the note; it was for £5. I forgot by whom it was signed. The man said, "Well, you are not Martha Latham, and this note is payable to her." I told him she lived at Swansea, and that she had written to me to get it for her, and showed him her letter to me. He then said if I would leave him the letter and note he would pay me. I consented to do this, and he paid me £5, which I remitted to Martha Latham, less the expenses. The person who paid me I was told by the other clerks in the office was Fraser, Trenholm & Co.'s cashier. I left the note and letter with him.

(Signed) THOMAS WINSTINLEY.

Sworn and subscribed to before me this 6th day of January, 1864, at Liverpool, in the county of Lancaster.

(Signed) J. PEARSON,
A Commissioner to Administer Oaths in Chancery in England.

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[233] *No. 56.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *January* 14, 1864.

Mr. Adams's representation as to breaches of neutrality by British subjects.

SIR: I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir G. Grey, a copy of a note from Mr. Adams,[1] inclosing copies of papers going, as Mr. Adams states, to show abuses of neutrality committed by certain of Her Majesty's subjects.

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 52.

No. 57.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *January* 22, 1864.

Men of crew of Alabama said to belong to naval reserve.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the admiralty, a schedule taken from papers furnished by Mr. Adams to this office,[1] containing the names of the officers and crew of the confederate steamship Alabama, and specifying those who are Englishmen, and belong to the naval reserve and coast volunteers.

I am, &c.,
(Signed) E. HAMMOND.

No. 58.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 29, 1864. (Received January 30.)

Can only identify three men of crew as belonging to naval reserve.

SIR: In reply to your letter of the 22d instant, respecting the naval-reserve men who are said to form part of the crew of the confederate steamship Alabama, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that only three of the nineteen men described in the printed list as naval-reserve men can be identified, viz, David Roach, Peter Hughes, and Michael Mars; and, of those three, the last (Mars) has been already discharged, in consequence of having joined the Alabama, as will be seen by the inclosed copy of a report from the registrar-general of seamen, who has been directed to make inquiries on the subject.

I return the printed list of the crew, which accompanied your letter, with the registrar-general's notations against the names.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 58.]

Mr. Mayo to the commodore comptroller general of the coast-guard.

GENERAL REGISTER AND RECORD OFFICE OF SEAMEN,
January 27, 1864.

SIR: In accordance with the request contained in your letter of the 25th instant, I beg to acquaint you, for the information of the lords commissioners of the admiralty, that the register-books of the royal naval reserve have been searched, with a view of ascertaining whether the nineteen men described in the annexed list as forming part of the crew of the Alabama belong to the royal naval reserve, and the following is the result of the investigation:

A seaman of the name of David Roach (R. N. R. No. 11,919) is reported to have been at Liverpool on the 2d of October, 1862, and a seaman of the name of Peter Hughes (R. N. R. No. 10,849) is reported to have been discharged from the Great Eastern, at Liverpool, on the 16th June, 1862. As no subsequent account has been received of either of these naval-reserve men, it is possible that they may be the same men as David Roach and Peter Hughes described in the accompanying list of the crew of the Alabama; but of this I have no proof.

[234] *A seaman of the name of Michael Mars formerly belonged to the royal naval

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[1] See page 228.

reserve, but he was discharged from the force, in consequence of having joined the Alabama. With regard to the remaining sixteen men, who are said to be members of the royal naval reserve, I have to state that I have not been to trace them in our books by the names given. No persons of the names of William Brinton, Brent Johnson, Samuel Henry, John Duggan, Joseph Connor, William Purdy, Malcolm Macfarlane, John Latham, John Emory, William Nevins, and William Hearn, have been enrolled in the reserve, and I am unable to identify as members of the royal naval reserve the seamen serving on board the Alabama in the following names, for the reasons given: William Crawford, native and resident of Aberdeen, and not of Liverpool; James Smith, thirty-two enrolled of this name; John Neil, sailed in Goldfinder, 11th April, 1862—no account since; Thomas Williams, seventeen enrolled of this name; Robert Williams, six enrolled of this name.

I have, &c.,
(Signed) F. MAYO, *Registrar General.*

[Inclosure 2 in No. 58.]

Names of naval-reserve men said to have formed part of crew of Alabama, with remarks of registrar general of seamen.

Names of naval-reserve men.	Remarks of registrar general of seamen.
William Crawford; Englishman; lives in Liverpool; belongs to royal naval reserve.	Cannot identify.
William Brinton; Englishman; royal naval reserve.	No person of this name has been enrolled.
Brent Johnson, second boatswain's mate; Englishman; naval-reserve man; joined vessel at Liverpool.	Ditto.
William Purdy, sailmaker's mate; Irishman by birth; lives in Liverpool; belongs to naval reserves; joined her in Liverpool.	Ditto.
John Latham, fireman; an Englishman; belongs to coast volunteers; enlisted in Alabama at Terceira.	Ditto.
David Roach, fireman; Englishman; resides in Liverpool; belongs to royal naval reserve; enlisted in Liverpool; left her 22d November.	R. N. V. 11,919; was at Liverpool October 2, 1863; address 10 Birch street, Athol street, Liverpool.
James Smith, captain of forecastle; Englishman; residing in Liverpool; belongs to naval reserve; enlisted on board of Alabama in Liverpool.	Ditto.
William Nevins, coal-passer; Englishman; belongs to naval reserve; enlisted at Liverpool.	Cannot identify.
John Neil, seaman; Englishman; lives with his sister in Manchester street, Liverpool; belongs to naval reserve; enlisted at Terceira.	Ditto.
Samuel Henry, seaman; Englishman; resides in Liverpool; naval-reserve man; enlisted at Liverpool.	No person of this name has been enrolled.
John Duggan, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.	Cannot identify.
Thomas Williams, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.	Ditto.
Robert Williams, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.	Ditto.

Names of naval-reserve men, &c.—Continued.

Names of naval-reserve men.	Remarks of registrar general of seamen.
[235] *Joseph Connor, seaman; Englishman; resides in Walnut street; his wife lives there, and keeps a butcher's shop; belongs to naval reserve; joined at Terceira.	No person of this name has been enrolled.
Michael Mars, seaman; Englishman; belongs to Bristol; naval reserve; joined at Terceira.	Already discharged from the royal naval reserve force; no account since he joined the Alabama.
Malcolm Macfarlane, seaman; Scotchman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.	No person of this name has been enrolled.
John Emory, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.	Ditto.
Wm. Hearn, seaman; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Terceira.	Ditto.
Peter Hughes, captain of top; Englishman; resides in Liverpool; belongs to naval reserve; enlisted at Liverpool.	Discharged from Great Eastern at Liverpool, June 16, 1862; address, 6 Westmoreland street, Liverpool; no account has since been received.

No. 59.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *February* 5, 1864. (Received February 6.)

No proceedings can be taken on Mr. Adams's representations.

SIR: I am directed by Secretary Sir George Grey to inform you, with reference to your letter of the 5th ultimo, that he has caused to be laid before the attorney and solicitor general the copy of the note from the United States minister at this court, inclosing copies of papers which he thinks tend to show abuse of neutrality committed by certain of Her Majesty's subjects, for their opinion whether any proceedings can be taken with reference to the breaches of neutrality alleged in the inclosed papers either under the foreign enlistment act or otherwise; and I am to transmit to you herewith, to be laid before Earl Russell, a copy of the opinion of the law-officers, stating that, in their opinion, no proceedings can at present be taken with reference to any of the matters alleged as breaches of neutrality in the papers referred to.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 59.]

Opinion of law-officers.

We are of opinion that no proceedings can at present be taken with reference to any of the matters alleged as breaches of neutrality in the accompanying printed papers.

If the persons stated to be Englishmen or Irishmen who have been serving on board the Alabama are natural-born British subjects they are undoubtedly offenders against the foreign-enlistment act. But not being (so far as it appears) within British jurisdiction no proceedings can now be taken against them; and it is under these circumstances unnecessary to enter into the question of the sufficiency or insufficiency, in other respects, of the evidence against them contained in John Latham's affidavit of the 8th January last. Whether any acts were done within the United Kingdom to induce all or any of these persons to enlist in the confederate service, or to go abroad for that purpose, which would be punishable under the foreign-enlistment act, is a question on which these papers throw little or no light; certainly, they furnish no evidence of any such acts against any persons or person now within British jurisdiction on which any proceedings could possibly be taken under that statute.

So far as relates to the supply of coals or other provisions or stores to the Alabama, and the payments made to relatives of seamen or others serving on board that [236] ship by *persons resident in the country, we are not aware of any law by which such acts are prohibited, and therefore no proceedings can be taken against any person on that account.

So far as relates to Mr. Dudley's argument (not now for the first time advanced) that the Alabama is an English piratical craft, it might have been enough to say that Mr. Dudley, while he enumerates almost everything that is immaterial, omits everything that is material to constitute that character. The character of an English pirate cannot possibly belong to a vessel armed and commissioned as a public ship of war by the Confederate States, and commanded by an officer belonging to the navy of those States, under their authority. Such the Alabama undoubtedly is and has been, and since she first hoisted the confederate flag and received her armament at Terceira. Even by the schedule to John Latham's affidavit, in which he describes the greater part of her petty officers and seamen (on what evidence we know not) as Englishmen or Irishmen, it appears that twenty out of the twenty-five superior officers (as well as the captain) are not so described; and of these twenty officers one is stated to be the brother-in-law of the president of the Confederate States. It is to be regretted that in any of the discussions on this subject so manifest an abuse of language as the application of the term "English piratical craft" to the Alabama should still be permitted to even continue.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

No. 60.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 18, 1864. (Received February 19.)

Further endeavors to identify crew unsuccessful.

SIR: My lords commissioners of the admiralty having referred to the commander of the Eagle, at Liverpool, the list of the crew of the confederate steamer Alabama, (inclosed in your letter of the 22d January,) in order that he might trace those men who are mentioned as belonging to the royal naval reserve and royal coast volunteers, I am commanded by their lordships to send you, for the information of Earl Russell, a copy of that officer's reply.

From that report it will be seen that the commander has met with James McFadgeon, one of the crew, who asserts that the whole of the men, with the exception of a few who have since left, were on board the Alabama when he quitted her on the 1st March, 1863; but their lordships have no means of testing the correctness of the statement made by this man, who gives the information in the hope of remuneration, nor, as stated in my letter of the 29th ultimo, have they any satisfactory means of connecting the men mentioned with the naval reserve.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 60.]

Commander Whyte to the secretary to the admiralty.

EAGLE, *Liverpool, February* 11, 1864.

SIR: I have the honor to acknowledge the receipt of your memorandum of 25th ultimo, inclosing a list of the crew of the Alabama for identification; and I beg to inform you that, having traced James McFadgeon, living at No. 47 West Derby street, Liverpool, and read over the names on the list referred to, he readily recognized the whole of them, and assured me that, with the exception of those against whose names the word "left" has been noted, they were all on board the Alabama on 1st March, 1863, on which day he left her.

This man has given this information with a view to remuneration, and I informed him that I would submit his request for consideration.

I have, &c.,
(Signed) J. W. WHYTE.

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[237] *No. 61.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *June* 21, 1864.

Naval-reserve men said to have shipped in Alabama.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of the admiralty that a statement has been made that many of the crew of the late confederate steamer Alabama belonged to the naval reserve; and I am to suggest that it might be desirable to ascertain how far this statement is correct, and if it should prove to be so, the board of admiralty will probably think it right to take proceedings against any such parties.

I am, &c.,
(Signed) E. HAMMOND.

No. 62.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *June* 24, 1864. (Received June 25.)

Men of naval reserve suspected of having joined confederate vessels have been discharged.

SIR: With reference to your letter of the 21st instant, relative to the statement that many of the crew of the late confederate ship Alabama were naval-reserve men, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that the only men who were suspected of having joined confederate vessels, and who were ascertained to be improperly absent, were discharged from the naval-reserve force on the 25th January last.

Inquiry to be made as to any having shipped in Alabama.

My lords, however, concur with his lordship that it will be desirable to ascertain whether any of the men on board the Alabama did belong to the naval reserve, and they will take the necessary steps, as requested.

I am, &c.,
(Signed) C. PAGET.

No. 63.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *July* 27, 1864. (Received July 28.)

Three men of naval reserve identified as having shipped in Alabama have been dismissed from the force.

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that the board of trade have succeeded in identifying three of the late confederate ship Alabama's men as naval-reserve men, viz, Thomas McMillan, Peter Hughes, Charles Seymour, and that their lordships have ordered them to be dismissed from the force.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 64.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *July* 30, 1864.

Lord Russell's concurrence in the propriety of their dismissal.

SIR: I have laid before Earl Russell your letter to Mr. Hammond of the 27th instant, stating that three men of the naval reserve, who have been identified as having belonged to the late confederate ship Alabama, have been dismissed from the naval-reserve force; and I am to request that you will state to the lords commissioners of the admiralty, in reply, that Lord Russell concurs in the propriety of this course.

I am, &c.,
(Signed) A. H. LAYARD.

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[239] *ANNEX.

CORRESPONDENCE LAID BEFORE CONGRESS, BUT NOT COMMUNICATED AT THE TIME TO THE BRITISH GOVERNMENT.[1]

Annex. Correspondence laid before Congrese.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 69.] UNITED STATES CONSULATE,
Liverpool, May 16, 1862.

SIR: * * * * * * *

In a previous dispatch I mentioned the fact that Messrs. Laird & Co. were building a gun-boat at Birkhenhead which I believed was intended for the confederacy. This boat was launched yesterday. She will be, when finished, a very superior boat. Her planks were calked as they were put on; her timbers are of the very best English oak; every plank and timber was most critically examined; and all her fastenings were copper bolts. The steam-gear is all copper and brass—in a word, the foreman who had charge of building her says that no boat was ever built stronger or better than her. The order, when given, was to build her of the very best material, and in the best and strongest manner, without regard to expense; and the foreman says that this has been done. Her powder is to be placed in copper cans of a new patent, and are now being made. There is no doubt but what she is intended for the rebels. This was admitted by one of the leading workmen in the yard; he said she was to be the sister to the Oreto, and for the same purpose and service. She is not yet named.

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(Signed) THOMAS H. DUDLEY,
United States Consul.

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[1] Papers concerning claims against Great Britain transmitted to the Senate of the United States in answer to the resolutions of December 4 and 10, 1867, and May 27, 1868. Volume III.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 84.] UNITED STATES CONSULATE,
Liverpool, June 18, 1862.

SIR: * * * * * * *

The gun-boat built for the confederates by Messrs. Lairds will soon be completed. She made a trial-trip last Thursday. None of the press were invited. No one was admitted on board without a ticket. They were issued only to the persons actively engaged in aiding the rebellion. All the active persons and houses engaged in fitting out ships, &c., were represented on her. The New York papers have published articles stating that information of ships fitting out at this port is sent to our Government. These pieces have been copied in the newspapers here, and the effect has been to make the people much more careful and guarded. It is now difficult to obtain information about this vessel. They will not admit any one except those connected with the yard to go in. I have obtained the following description of her, which is correct, so far as it goes: Her engines are 350 horse-power, oscillating in principle. She will draw 14 feet when loaded, and is 1,050 tons burden; has one funnel or smoke-stack, painted black, forward of the main-mast, two ventilators forward of the funnel, also painted black. The hull painted black; billet head gilt, with a shield painted red. The stern is round, with black galley-windows. The stern has carvings on it of gilt. She has three masts, bark-rigged; the masts and spars very bright. Her propeller is a screw, so arranged that it can be raised by steam from the water. The frame-work in which this screw or fan works is of solid brass, weighing from one and a half to two tons. The vessel is coppered, and has copper fastenings, and is calculated to run fifteen knots per hour. Her powder cases or cans are 200 in number, all made of copper, with a patent screw in the top, which costs £2 apiece.

No pains or expense has been spared in her construction, and, [240] when finished, *will be a very superior boat of her class. Indeed, they say there will be no better afloat. Her trial-trip was entirely satisfactory. She will be finished and ready for her armament in about ten days or two weeks. I have not yet learned what it is to be. The platforms for the guns that are being made are such that the gun can be used on both sides of the vessel.

* * * * * * *

I am, &c.,
(Signed) THOMAS H. DUDLEY,
Consul.

Mr. Adams to Mr. Seward.

No. 179.] LEGATION OF THE UNITED STATES,
London, June 26, 1862.

SIR: Notwithstanding the adverse news lately flowing in from America to the sympathizers with the rebels respecting the loss of their vessels and outfits, the effect of which has been to put an end to insurance on such risks, I continue to receive information of the preparation of such adventurers. One most flagrant instance has been presented to my attention by Mr. Dudley, the consul at Liverpool. I considered it so important that I have felt it my duty to make a representation of it to Her Majesty's government. The uniform ill-success which has attended all my preceding remonstrances, especially in the very parallel case of the gun-boat Oreto, makes me entertain little hope of a more favorable result now. But the record would hardly seem to be cemplete without inserting it.

As Captain Craven, of the Tuscarora, has sent notice to this legation of his departure from Gibraltar and his arrival at Cadiz, I have taken the responsibility of asking him to come to Southampton for orders. Should it be possible to take any measures, with prudence, to break up the voyage of this vessel, I shall advise him of the fact.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 86.]
UNITED STATES CONSULATE,
Liverpool, June 27, 1862.

SIR: I have mentioned the gun-boat now being built by the Messrs. Lairds & Co., of Liverpool, at their yard in Birkenhead, in two or three notes to the Department. Being entirely satisfied in my own mind that this vessel was intended as a privateer for the rebel government, and that it was my duty to use every effort to prevent her sailing, I went up to London to confer with Mr. Adams. At his instance I drew up and addressed to him a note, a copy of which is inclosed, marked No. 1.[1] He inclosed a copy of this, accompanied with an energetic note from himself to Earl Russell. Mr. Adams thinks there is a better feeling on the part of the government toward us, and that they will now do what they can to conciliate us, and will stop the fitting out of this vessel. It is to be hoped that they will do it, as she would do much mischief to our commerce if she got out in some quarter distant from our cruisers. One of the Lairds, an active member of this firm, is a member of Parliament. This vessel is ready for sea, and, if not prevented, will sail before the end of next week. Captain Bullock will command her. She will enter upon the business as a privateer at once, and not attempt to run into a southern port. It is said that her armament will consist of eleven guns, all of heavy calibèr.

* * * * * * *

I am, &c.,
(Signed) THOMAS H. DUDLEY.

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[241] *Mr. Wilding to Mr. Seward.*

[Extract.]

No. 87.]
UNITED STATES CONSULATE,
Liverpool, July 5, 1862.

SIR: I send you herewith a full description of the Laird gun-boat, as it may be useful. To remove any possible doubt there may be as to the real destination of this vessel, I may inform you that a few mornings since Captain J. D. Bullock entered, unquestioned, the private dock where she lies, and which is so zealously closed to others, went on board, was saluted by the workmen, appeared to give orders, and be attended to as one in authority; also that all the cabin fittings and furniture were selected by him, and were subject to his approval, though paid for by Mr. Laird.

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[1] For this note see inclosure in No. 1, *ante*.

Mr. A. Blain, of 35 Paradise street, Liverpool, fitted up the cabins, and has her entered in his books as No. 290. For a person sent there to inquire if he did fit her up, he wrote the number on one of his cards, along with the names of John Laird, esq., and Captain Bullock as references.

Her engineers and crew have been engaged but not regularly shipped. None of them are allowed on board, and are only to come on board when she sails. The Rosalind, belonging to Fraser, Trenholm & Co., and about which you are already advised, is still here. She took on board three more rifled cannons (32-pounders) this week, making nine she has, just sufficient for the armament of the gun-boat, and of the most suitable kind. They are all Blakeley's guns.

* * * * * * *

Very respectfully, &c.,
(Signed) H. J. WILDING.

Laird's gun-boat.

* * * * * * * *

She will carry three swivel guns. She has three double ports each side, forward, midships, and aft. She will carry sixteen guns with the swivels. She is in a confused state, and from her appearance will not be ready before the middle of next week. Is built of oak, and coppered, about 200 feet long, and 18 feet deep; will draw from 10 to 14 feet loaded, 1,050 tons, bark-rigged; has no name, but is called No. 290. Has two oscillating cylinders, working almost at the bottom of the vessel.

Mr. Adams to Mr. Seward.

[Extract.]

No. 184.] LEGATION OF THE UNITED STATES,
London, July 9, 1862.

SIR: * * * * * * * *

I forward copies of the correspondence, so far as it has gone, touching the preparation of the formidable gun-boat at Liverpool for the use of the rebels. In accordance with the suggestion in Lord Russell's note of the 4th instant, I have directed the vice-consul at Liverpool, in the absence of Mr. Dudley, to prepare and send to the collector of customs there such further evidence as he may obtain of the true destination of that vessel. At the same time I have requested him to send me the same information, with a view to take professional advice as to the practicability of proceeding against it in the courts, and, as a last resource, I have taken the responsibility of sending for the Tuscarora. Captain Craven has arrived at Southampton, and has been here to see me. I regard the case as so important that, if the evidence shall prove in any way sufficient to justify the step, I shall authorize him to try to intercept her on her way out. This may have the effect of taking the vessel off her present station and far over to the United States. I know nothing of the naval arrangements, but I presume that the Tuscarora can be replaced by some other ship of less power, which would equally serve the purpose of the Government as a safeguard against privateering in these waters.

* * * * * * *

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[242] **Mr. Adams to Mr. Wilding.*

LEGATION OF THE UNITED STATES,
London, *July* 7, 1862.

SIR: I transmit herewith a copy of a note received by me from Lord Russell, in reply to my representation, founded on Mr. Dudley's letters of the 21st of June to me, respecting Mr. Laird's gun-boats. In accordance with his lordship's suggestion, I pray you to furnish to the collector of customs, so soon as may be, any evidence which you can readily command in aid of the object designated.

I should be glad likewise to have such evidence made in duplicate, and one copy forwarded to me at the same time for possible use in another way at this point.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 88.] UNITED STATES CONSULATE,
Liverpool, *July* 9, 1862.

SIR: In my dispatch of June 27 I mentioned the fact that Mr. Adams had applied to the British government to prevent the sailing of the gun-boat now being fitted out by the Messrs. Lairds & Co., at Birkenhead. Yesterday I received a note from him, inclosing a copy of Earl Russell's reply, requesting me to furnish evidence of the character of this vessel to the collector of customs at Liverpool. I shall, during the day, write a note to the collector, and communicate all the facts I can without violating confidence reposed in me by persons from whom I obtained them.

* * * * * * * *

I do not think the British government are treating us properly in this matter. They are not dealing with us as one friendly nation ought to deal with another. When I, as the agent of my Government, tell them, from evidence submitted to me, that I have no doubt about her character, they ought to accept this until the parties who are building her, and who have it in their power to show if her destination and purpose are legitimate and honest, do so. It is a very easy matter for the Messrs. Laird & Co. to show for whom they are building her, and to give such information as to her purpose as to be satisfactory to all parties. The burden of proof ought not to be thrown upon us. In a hostile community like this it is very difficult to get information at any time upon these matters, and if names are to be given it would render it almost impossible. The government ought to investigate it, and not call on us for proof.

I understand if she is not arrested she will endeavor to capture some of the California steamers with specie for New York.

The Rosalind, referred to in previous dispatches, sailed on Saturday last. She has on her nine cannon, rifled, which I think are intended for this gun-boat. They are 32-pounders.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 89.] UNITED STATES CONSULATE,
Liverpool, *July* 11, 1862.

SIR: Inclosed, marked Nos. 1, 2, and 3, find a copy of the communication by me addressed to the collector of customs at this port, relative to the gun-boat now being built by the Messrs. Lairds for the rebel government, a copy of the most extraordinary answer of the collector, and a copy of a note sent to Minister Adams upon the receipt of this answer inclosing him a copy thereof. These papers explain themselves and do not require further remark by me.

* * * * * * *

Richard Brougan, a shipwright, now in the employ of the Messrs. Laird, states that on the day this vessel was launched Captain Bullock and wife, with a number of American gentlemen, were there; he says Captain Bullock is at the yard and on the vessel every day, and gives orders to the men, and seems to have command, or at least charge of the vessel, and thinks he owns her, or at least that she is being built for him. He says Bullock represents himself as a commissioner for [243] the Southern States, and that this vessel is a *privateer, the same as the Oreto, and that she and the Oreto are to cruise together on the American coast for the confederate government. A man by the name of Butcher is to go out nominally as her captain. This man, as captain, is now shipping the crew, and applied to Brougan to go out as carpenter. A man by the name of Barnett is the acting shipping-master. Her stores are all on board. It is now stated that her armament will consist of twelve 32-pounders and three large swivel-guns.

I understand if she succeeds in getting out that it is her intention to capture some of the California steamers on their road to New York.

* * * * * * *

I have, &c.,
(Signed) THOMAS H. DUDLEY.

N. B.—This vessel (the gun-boat) has not yet been named. Her number is 290.

[Inclosures Nos. 1 and 2 are printed with Mr. Adams's dispatch to Mr. Seward, No. 196, July 25, 1862, *post.*]

Mr. Dudley to Mr. Adams.

[Inclosure No. 3.]

UNITED STATES CONSULATE,
Liverpool, July 11, 1862.

SIR: I inclose you a copy of the communication received from the collector of customs at this port, in reply to the one by me addressed to him on the 9th instant, a copy of which was sent to you by mail yesterday.

The collector seems disposed to hold our Government to as strict a rule as if we were in a court of justice. We are required to furnish legal evidence, (I take it this is his meaning, though it is involved in some obscurity,) that is, that the onus is upon us to prove and establish by legal evidence that this vessel is intended as a privateer. If this is to be taken as the answer of the government, it is hardly worth spending our time in making further application to them. They show that their neutrality is a mere pretense, and that the United States cannot expect anything like impartiality and fairness at their hands.

When the United States Government, through its acknowledged representatives, say to the British government that it is satisfied that a particular vessel, which is being built at a certain place in the Kingdom by certain parties who are their own subjects, is intended as a privateer for the rebel government, it is the duty of that government to call up the parties who are fitting out the vessel, tell them what the charge is, and require them to state for whom and what purpose she is being built, and, if the charge is admitted or shown to be true, to stop her sailing. Our Government has a right, it seems to me, not only to expect but to require this much of another friendly government. And if there was any disposition to do right and act honestly, this much at least would be accorded. I inclose a description of the inside of this vessel.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 90.] UNITED STATES CONSULATE,
Liverpool, July 12, 1862.

SIR: * * * * * * *

I have learned a few more particulars this morning about Laird's gun-boat No. 290. Captain Butcher, who is now acting as the captain, and will continue in that capacity until after they clear, is a British subject, and was, if he is not now, second officer on one of the Cunard line of steamships which ply between Liverpool and the United States. He has been in the service of this company for a number of years; has been second officer in the Africa and Arabia, and is well known in New York. Barnett, who is shipping the crew, I am informed is also in the employ of this company. After they get out to sea Butcher will turn over the command of the ship to Captain Bullock, and take his place as second in command. This is the present programme. I have procured the dimensions of the vessel; they are as follows:

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I have, &c.,
(Signed) THOMAS H. DUDLEY.

[244] *No. 299.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,
Washington, July 12, 1862.

SIR: Your dispatch of June 26 (No. 179) has been received.

You inform me that Mr. Dudley, our consul at Liverpool, has brought to your notice a new and flagrant violation of neutrality which is being attempted in some British port, and that you have remonstrated against it with the British government, and also have called Captain Craven to Southampton to defeat the enterprise. You, however, do not inform me of the name of the vessel, her particular character or purpose, or of any circumstances of the case. I have communicated the imperfect information thus received to the Navy Department, in the hope that it may be able to render it useful.

This transaction will furnish you a suitable occasion for informing Earl Russell that since the Oreto and other gun-boats are being received by the insurgents from Europe to renew demonstrations on our national commerce, Congress is about to authorize the issue of letters of marque and reprisal, and that if we find it necessary to suppress that piracy, we shall bring privateers into service for that purpose, and, of course, for that purpose only.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

No. 187.

Mr. Adams to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, July 17, 1862.

SIR: The Tuscarora is still at Southampton. She has been detained by the necessity for some slight repairs. Notes have passed between Lord Russell and myself on the subject, copies of which are hereto subjoined. The consul at Liverpool has made representations to the collector of the customs respecting the vessel not yet named, but undoubtedly fitting out at Liverpool to prey upon our commerce, according to the suggestions made by Lord Russell in his note in reply to my remonstrance. Unfortunately the consul did not affix to this paper the legal form of evidence, which led to its rejection. In the mean while I have advised him to supply the omission, and I learn that he has done so.

I have likewise, in concert with Mr. Morse, the consul at this place, taken measures to obtain advice as to the expediency of proceeding against this vessel in another form, agreeably to a suggestion dropped to me some time ago by Lord Russell in conversation. As yet I have not learned the issue of the consultation. The deposition to be taken by Mr. Dudley may be as necessary in this case as in the other. I have requested duplicates to be forwarded to me at once.

Lastly, I have supplied to Captain Craven all the information I can obtain respecting the objects and destination of this vessel, and have advised him to take such measures as may, in his opinion, be effective to intercept her on her way out. He will probably leave Southampton in a day or two.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 93.] UNITED STATES CONSULATE,
Liverpool, July 18, 1862.

Inclosed, marked No. 1, find copy of letter[1] from Mr. Edwards, collector of the port, in reference to the gun-boat No. 290. You will see by this that they do not deem the evidence sufficient. I infer from this answer that the government declines to take any steps to prevent her sailing.

Our minister at London, in a letter dated yesterday, received this morning, directs me to employ a solicitor, and get up affidavits to lay before the collector, in compliance with act of Parliament, 59 George III, cap. 69.

I have retained Mr. Squarey, of Liverpool, a man of ability in his profession. He has taken hold of the case with energy, and I entertain some hopes that we shall succeed in preventing the gun-boat from sailing. I have directed him to work up and prosecute the case without regard to expense. He is reputed to be a man of honor as [245] well as *ability. I hope my action in this matter will be approved by the Department. The great difficulty we have is to get direct evidence. Mr. Squarey thinks we shall be able to procure enough to hold her.

Since my communication No. 90 she has been in what is known as the Great Float at Birkenhead, and taken in about 500 tons of coal. Her provisions are all on board.

* * * * * * *

With high regard, &c.
(Signed) THOMAS H. DUDLEY.

Mr. Dudley to Mr. Seward.

[Extract.]

LIVERPOOL CONSULATE,
London, July 22, 1862.

SIR: In my dispatch No. 93 I mentioned the fact that the authorities in this country had refused to interfere and prevent the sailing of the gun-boat or steam-frigate No. 290, built by Messrs. Laird, at this port (Liverpool) as a privateer for the rebel government, and that I had employed Mr. Squarey, of Liverpool, to institute legal proceedings, under the act of Paliament, to stop her, if possible. The difficulty we have had to contend with was to get direct proof. There were men enough who knew about her and who understood her character, but they were not willing to testify; and in a preliminary proceeding like this it was impossible to obtain process to compel them. Indeed, no one in a hostile community like Liverpool, where the feeling and sentiment are against us, would be a willing witness, especially if he resided there, and was in any way dependent upon the people of that place for a livelihood. We have, however, succeeded in getting two of the men from the vessel, who were employed by Captain Butcher to go out in her.

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[1] For inclosures see *ante*, pp. 185 and 186.

Their evidence is direct and positive that the vessel is a privateer, built as such for the confederate government, and is to go out of this port (Liverpool) to make war upon the Government of the United States. Captain Butcher, her captain, who is now in command of the vessel, told these men so, and employed them to go as part of the crew. They have been on the vessel as a part of the crew under this captain. This evidence, with some two or three other affidavits, was laid before the collector of the port yesterday afternoon, and I think, notwithstanding his sympathy for the rebels and his indisposition to do anything against them, it is too strong and conclusive for him to refuse our application. He gave us no answer, merely stated that he would submit it to the commissioners under whom he acts. I am now in London, having come up last night, accompanied by my solicitor, with copies of the affidavits for Mr. Adams to lay before the Foreign Office, and to confer with him as to further proceedings to arrest this vessel. By his direction we had a conference with Mr. Collier, a barrister of London, this morning. He advises that it will be necessary to take steps to have her condemned, even if the collector should decide in our favor. I think we shall stop her; that the case is so bald they will not dare to let her go.

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I am, &c.,
(Signed) THOMAS H. DUDLEY.

Mr. Dudley to Mr. Seward.

No. 95.] UNITED STATES CONSULATE,
London, July 25, 1862.

SIR: I returned from London on Wednesday night. On Tuesday we obtained the affidavits of two of the crew from the gun-boat No. 290. Having learned that the collector had forwarded those we laid before him on Monday to the board of customs in London, under whom he acts, we determined to lay these additional affidavits directly before the board, and called for that purpose. We there learned that on the day previous, the next day after we had submitted the affidavits to the collector, they had decided that the evidence disclosed in the affidavits was not sufficient, and had directed the collector at Liverpool not to detain the vessel. I mentioned the fact that we had consulted with Mr. Collier, a barrister in London. This man had been previously consulted by Mr. Adams. He is Queen's counsel to admiralty, a member of Parliament, and stands high in his profession. After learning this extraordinary decision of the board we again consulted Mr. Collier, and procured from him an opinion, in writing, that the evidence which we had submitted to the collector was quite sufficient to warrant the detention of the vessel. Mr. Squarey, my solicitor, then addressed a letter to the board, inclosing a copy of this opinion and the two additional affidavits, and asked them to reconsider their decision.

[246] *I inclose copies of the affidavits of William Passmore, Henry Wilding, John Da Costa, Matthew Maguire, and A. S. Clare, and my own as United States consul, all of which were made before and submitted to the collector on Monday last, and upon which Mr. Collier's opinion is founded, (they are marked, No. 1;) also copies of the two additional affidavits of Robert John Taylor and Edward Roberts, made on Tuesday, and laid before the board on Wednesday, (marked No. 2;) also copies of the opinion of Mr. Collier and Mr. Squarey's letter, and

the answer of secretary of the board, (marked No. 3.) I beg to call your attention especially to the affidavits of William Passmore, Robert John Taylor, Edward Roberts, and A. S. Clare, as positive and direct, and making, in my judgment, as strong proof as can ordinarily be made in cases of this nature, and quite strong enough to justify the detention of the vessel, if there was any disposition to do it.

Copies of all these affidavits were made for Mr. Adams and by him submitted to Earl Russell. Mr. Squarey, with the consent of Mr. Adams, on Wednesday had an interview with Mr. Layard, the under-secretary of foreign affairs, showed him Mr. Collier's opinion, and made the request that the government would act promptly in the matter. I have not learned what decision has been finally made in the case. I hope for the best, but am quite prepared for the worst.

It is proper for me to remark that the question of security to the collector did not arise. The decision which was made turned upon the merits. I retained Mr. Collier in the case on Tuesday, and instructed him and Mr. Squarey, if the vessel was arrested, to institute proceedings immediately for her condemnation; Mr. Collier being of the opinion that this was necessary under the act, and that the collector would not be justified to hold her unless we took these steps.

I have done about all that I can do to stop this vessel, much more, I think, than this government ought to require any friendly government to do. My counsel say I can do no more. They think the evidence not only sufficient, but conclusive, in the preliminary proceedings to detain the vessel. Indeed, they both say that it is enough to secure her condemnation before any court.

I have procured a photographer to take her as she now lies in the dock. I will inclose a copy, if received in time for this communication, and shall send another to Mr. Craven, the commander of the Tuscarora.

* * * * * * *

With, &c.,
(Signed) THOMAS H. DUDLEY.

N. B.—Since writing the above I have received a copy of letter from the collector to Mr. Squarey, my solicitor, announcing the decision of the board upon the case submitted to the collector. It is inclosed, marked No. 4. It is a strange decision, the last part. Mr. Squarey has called upon the collector and asked him the meaning of this last paragraph; his response was that this was copied from the letter addressed to him by the board. I am instructed by my counsel that I have no power to stop the vessel; that the power to detain her is lodged in the collector.

[Inclosures will be found with Mr. Adams's dispatch to Mr. Seward, July 25, 1862, *post.*]

Mr. Adams to Mr. Seward.

No. 196.] LEGATION OF THE UNITED STATES,
London, July 25, 1862.

SIR: Since the date of my dispatch No. 187, of the 17th July, I have to report that I received from Mr. Collier so decided an opinion in regard to the illegality of the proceedings at Liverpool that I directed Mr. Dudley to proceed with the utmost vigor in the preparation of the necessary depositions to place before the collector of customs at Liverpool. I authorized him to act under professional advice, so that no mere omission of form could be made to avail against us. No time has been lost in getting up the papers and in submitting them in the proper quarter. For two days Mr. Dudley and his adviser, Mr. Squarey, have been in constant communication with me here, and all the measures taken by them have been sanctioned by me. I am sorry to say that, although the second opinion of Mr. Collier, based upon the depositions themselves, is so unequivocal, I have reasons to believe that they are not likely to be more effective to secure the detention of the ship by the collector than any former action.

Not to omit any step that could be imagined likely to avail, I [247] transmitted *copies of all the papers to Lord Russell, with a request for action on the subject in his department. I now send copies of the same, with the exception of the affidavits, which Mr. Dudley will probably send for your consideration. As yet I have no answer from Lord Russell. I am not sanguine of success; but it seems to me that the action taken is essential to complete the record. I have authorized Mr. Dudley and Mr. Morse to incur some liabilities in the process, which I hope will not be regarded as ill judged. The Tuscarora has not yet left Southampton. I shall give Captain Craven directions to intercept the vessel, if possible, should she be permitted to depart.

I have, &c.,

(Signed) CHARLES FRANCIS ADAMS.

Opinion of Mr. R. P. Collier.

The accompanying copy of a statement, submitted by the American consul in Liverpool to Her Majesty's collector of customs there, will furnish all the information which has at present been obtained relative to the fitting out of a vessel intended to be used as a privateer for the purposes of the Confederate States of America. It is believed that the vessel is now very nearly ready.

The American Government are desirous of taking immediate steps, under the foreign-enlistment act, 59 Geo. III, cap. 69, to seize the ship and get her condemned.

Mr. Collier, Queen's counsel, is requested to advise as to the proper course of proceeding under the circumstances.

WESTERN CIRCUIT, *Winchester, July* 16, 1862.

I think the evidence almost conclusive that the vessel in question is being fitted out by the Messrs. Laird as a privateer for the use of the confederate government, in contravention of the provisions of the foreign-enlistment act, 59 Geo. III, cap. 69.

As the matter is represented to me to be urgent, I advise that the principal officer of the customs at Liverpool be immediately applied to, under 59 Geo. III, cap. 69, to exercise the powers conferred upon him by that section to seize the vessel, with a view to her condemnation, an indemnity being given to him, if he requires it. It would be proper at the same time to lay a statement of the fact before the secretary of state for foreign affairs, coupled with a request that Her Majesty's government would direct the vessel to be seized, or ratify her seizure if it has been made.

If the matter were not urgent I should advise no other steps being taken until it was known whether or not the government thought fit to interfere; but inasmuch as the government might not unreasonably take some little time to determine what course to pursue, during which time the vessel might escape, I advise the more prompt remedy.

(Signed) R. P. COLLIER.

Mr. Dudley to Mr. Edwards, July 9, 1862.

[See *ante*, page 185.]

Mr. Edwards to Mr. Dudley.

Custom-House, *Liverpool, July* 16, 1862.

Sir: With reference to my letter of the 10th instant, acknowledging your communication of the 9th, relative to the vessel built by Messrs. Laird, of Birkenhead, I have to acquaint you, that I am directed by the commissioners of Her Majesty's customs to apprise you that their solicitor informs them that the details given by you in regard to the said vessel are not sufficient, in a legal point of view, to justify me in taking upon myself the responsibility of the detention of the ship.

I have, &c.,
(Signed) J. PRICE EDWARDS, *Collector.*

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[248] **Mr. Edwards to Mr. Squarey.*

Custom-House, *Liverpool, July* 23, 1862.

Sir: With reference to your communication of the 21st instant, on the subject of a gun-boat which is being fitted out by Messrs. Laird, of Birkenhead, and requesting that the ship might be seized under the foreign-enlistment act, upon the ground that the evidence adduced affords proof that she has been fitted out for the Confederate States of America, I have it in command to acquaint you that the board have communicated with their solicitor on the subject, who has advised them that the evidence submitted is not sufficient to justify any steps being taken against the vessel under either the 6th or 7th section of the act 59 Geo. III, cap. 69.

It is, however, considered to be competent for the United States consul to act at his own risk if he should think fit.

I am, &c.,
(Signed) J. PRICE EDWARDS.

Mr. Squarey to Mr. Adams.

Tavistock Hotel, Covent Garden,
London, July 23, 1862.

Sir: I beg to inform you that I saw Mr. Layard at the Foreign Office after leaving you this afternoon, and ascertained from him that the papers forwarded by you in reference to the gun-boat No. 290 were submitted yesterday to the law-officers of the Crown for their opinion. The opinion had not, up to the time of my seeing Mr. Layard, been received, but he promised, on my representation of the extreme urgency of the case, to send for it at once. Mr. Layard was not disposed to discuss the matter, nor did he read Mr. Collier's opinion.

I now inclose a copy of the case with Mr. Collier's opinion, and a copy of the letter which I have addressed this afternoon to the secretary of the board of customs.

I have, &c.,
(Signed) A. F. SQUAREY.

Mr. Squarey to Mr. Adams.

GUN-BOAT NO. 290.

TAVISTOCK HOTEL, COVENT GARDEN,
London, July 25, 1862.

SIR: I have further to report to you on this matter that I have again seen Mr. O'Dowd, the solicitor to the board of customs, who informs me that, on receipt of my letter addressed to the secretary yesterday, the board resolved to refer the matter to the law-officers of the Crown, by whose opinion they would be guided as to seizing the vessel.

I have, &c.,
(Signed) A. F. SQUAREY.

Mr. Dudley to Mr. Seward.

No. 99.] UNITED STATES CONSULATE,
Liverpool, July 30, 1862.

SIR: The steamer No. 290 sailed yesterday at about 11 o'clock in forenoon. Orders were given to the men to be on board on Monday evening at 6 o'clock. I much regret my inability to procure a photograph of her. She lay in with other vessels in such manner that it could not be obtained. I could not complete a satisfactory arrangement with the man referred to in No. 95, to go out in her. I am told there is a man on board by name of John Readdy, from one of the New England States, (he has signed his name Jack Readdy,) who can be procured as a witness at any port she may go to. She left the port without a register or clearance from the custom-house. After she had steamed out of the river, I sent one of my clerks to the custom-house to ascertain if she had been registered or cleared. They informed him that she had not, and that it was not necessary. I do not understand this. It would seem as if all vessels for the rebels, and to carry munitions of war and aid to them, were privileged at this port; at least every facility for their departure and conducting their operations is extended to them. [249] *I have not been able to ascertain any reliable information as to her movements. One report is that she has gone out on a trial trip, and will return into port; another, that she has gone to Queenstown; a third, that she has taken her final departure, and will go direct to the place where she is to receive her armament. I think she will go to Nassau to receive her armament. That seemed to be understood among the crew, but it is possible that this was told them to mislead them or me. I am satisfied that her guns are not on, and that she will have to go to some place or port to get them.

Since writing the above, one of my men has called to say that the steam-tug Hercules is at the Birkenhead ferry taking on men, beams for gun-carriages, and other things for this vessel; that she is now lying off Cape Lynas waiting for the tug; that during the whole of last night she has been receiving gunpowder on board, and that she has six of her guns below deck. I have telegraphed this news to Mr. Adams, and called myself in person, with my informant, on the collector of the port and gave him the information. I am now preparing a formal letter to the collector. One of the persons interested stated that they would go to a Spanish port. I shall address notes to all the consuls to-day at Spanish ports. I will inclose you a copy of my letter to collector during the day.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

It is now ascertained that she will not return to this port unless she meets with an accident. A copy of letter is inclosed.

Mr. Adams to Mr. Seward.

No. 199.] LEGATION OF THE UNITED STATES,
London, July 31, 1862.

SIR: You must long before this have received all the information respecting the Laird gun-boat, No. 290, for which you ask in your dispatch No. 299, of the 12th of July. It only remains for me to continue the narrative of that transaction down to this date. In spite of all my efforts and remonstrances, which as yet wait the opinion of the law-officers of the Crown, I received on the 29th instant from Mr. Dudley, the consul at Liverpool, the news that she sailed without register or clearance from that port on that day. I immediately communicated the intelligence by telegraph to Captain Craven, at Southampton. I learn from the consul at that place that the Tuscarora sailed from thence at 8 p. m. on the 29th instant. Should the captain be so fortunate as to encounter the vessel on the high seas, I have every reason to believe that he will attempt her capture. But I have given him no instructions how far to pursue her, or what to do in case of failure. In these respects he is left entirely to his own discretion.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 201.] LEGATION OF THE UNITED STATES,
London, August 1, 1862.

SIR: Yesterday I had a conference with Lord Russell at the Foreign Office, in the course of which I went over the various subjects whereupon I had received instructions in your late dispatches.

* * * * * * *

2. I read to his lordship the substance of your dispatches Nos. 281 and 299 respecting the use made of the island of Nassau by the rebels, and the fitting out of the gun-boats Oreto and 290. His lordship first took up the case of 290, and remarked that a delay in determining upon it had most unexpectedly been caused by the sudden development of a malady of the Queen's advocate, Sir John D. Harding, totally incapacitating him for the transaction of business. This had made it necessary to call in other parties, whose opinion had been at last given for the detention of the gun-boat, but before the order got down to Liverpool the vessel was gone. He should, however, send directions to have her stopped if she went, as was probable, to Nassau. I said I was

aware that the gun-boat was off, but I did not say, what I myself have little doubt of, that her sudden departure was occasioned by a notion, obtained somehow or other, that such a proceeding was impending. I added an expression of satisfaction that the law-officers of the Crown had seen their way to give such an opinion, and that it was the [250] *disposition of Her Majesty's government to do something to check this outrageous abuse. In this connection I begged to ask if he had any information respecting the proceedings had at Nassau in the case of the Oreto. I had seen a statement in the newspapers, additional to the information contained in the dispatch No. 281, which I read to him, to the effect that the Oreto had been actually stopped and put under the guns of Her Majesty's ship the Greyhound. I hoped this was true, for I thought the effect of such a proceeding would be very favorably viewed in America. His lordship replied that he had received no information on the subject beyond what I had referred to, which came from the American newspapers.

* * * * * * *

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 101.]

UNITED STATES CONSULATE,
Liverpool, August 1, 1862.

SIR: I inclose you, marked No. 2, some additional correspondence between my solicitor, Mr. Squarey, and the secretary of the board of customs in London, relative to the gun-boat No. 290. * * * * Also, marked No. 4, slip cut from Daily Post of this day, about this vessel and the Oreto. I have sent Mr. Adams, our minister at London, copies of these, and of all the other papers in this case. The steamer No. 290 put into Holyhead on Wednesday night, and remained until 2 o'clock the next morning, when she started out to sea. She was cruising about off Point Lynas during yesterday. The United States steamer Tuscarora put in at Queenstown yesterday afternoon.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

Mr. Dudley to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE,
Liverpool, August 6, 1862

* * * * * * *

SIR: The Laird gunboat appears to have gone from Point Lynas, steering north, on Friday or Saturday. A person sent down to Holyhead on Saturday has returned, and stated that she was seen from the Stack light-house as late as 8 o'clock on Saturday evening. It is possible, however, that the light-house keeper may have mistaken the Tuscarora for her, as she was in that neighborhood on Saturday.

The statement in one of the slips I inclose (No. 4) of her being off the Giant's Causeway originated with a Mr. Beasley, (secessionist,) who said some captain had told him. Like the previous report of her being in Holyhead, I have no doubt it is untrue.[1]

Captain Bullock, who left here in her, has returned.

It has been stated by a person in the confidence of these plotters that she is within 300 miles of this, getting her armament. This is not likely, but shall be followed up.

A statement made by Mr. Barnett, who engaged the crew, to a boarding-house keeper who furnished some of the men, would seem to indicate an intention of trying to run the blockade. He said all the men who did not want to remain by her when she got to Nassau or Savannah would be sent home again with Captain Butcher, who would return home.

* * * * * * *

I am, &c.,
(Signed) THOMAS H. DUDLEY,
Per H. S. WILDING, *Vice-Consul.*

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[251] **Mr. Adams to Mr. Seward.*

No. 203.] LEGATION OF THE UNITED STATES,
London, August 7, 1862.

SIR: In my dispatch No. 199, of the 30th July, I brought down the narrative of the proceedings in the case of the gun-boat No. 290 to the morning of the 29th. Later in the day I sent another telegram to Captain Craven, giving further intelligence from Liverpool, urging his departure from Southampton, also that he should let me know his next movements, and cautioning him about the line of British jurisdiction. To this message the captain immediately replied, announcing his departure at 8 o'clock, and his intention to touch at Queenstown for further information. On the 30th of July I wrote to Captain Craven, by mail to Queenstown, giving fuller details, received at half past 11 o'clock from Mr. Dudley, touching the movements of the gun-boat off Point Lynas on that day. Early on the morning of the 31st I sent a telegram to Captain Craven, at Queenstown, apprising him that 290 was said to be still off Point Lynas. At about 10 o'clock p. m. of that evening I received a telegram from Captain Craven, dated at Queenstown, announcing his reception of my dispatch and his intention to await further instructions. This was answered by me early the next morning in the following words, by telegram:

> At latest, yesterday, she was off Point Lynas; you must catch her if you can, and, if necessary, follow her across the Atlantic.

On the same day I received by mail a note from Captain Craven, dated the 31st, announcing the receipt of my dispatches and his decision to go to Point Lynas at noon on the first instant.

Captain Craven seems to have sailed up St. George's Channel. This last movement must have been made in forgetfulness of my caution about British jurisdiction, for, even had he found No. 290 in that region,

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[1] It appears that she did pass the Giant's Causeway, landing Captain Bullock and the pilot. See statement from the private journal of one of her officers. General Appendix No. 7.

I had, in previous conversations with him, explained the reasons why I should not consider it good policy to attempt her capture near the coast. In point of fact, this proceeding put an end to every chance of his success.

On the 5th instant I received a letter from him dated the 4th, at Queenstown, inclosing a report of his doings, addressed to the Secretary of the Navy, left open for my inspection, which I forward by this steamer, and at the same time apprising me of his intention to go round to Dublin, and await a letter from me prior to his return to his station at Gibraltar. To this I sent the following reply:

LEGATION OF THE UNITED STATES,
London, August 6, 1862.

I will forward your letter to the Secretary of the Navy. Having in my hands sufficient evidence to justify the step, I was willing to assume the responsibility of advising you to follow the boat No. 290, and take her wherever you could find her. But I cannot do the same with other vessels, of which I have knowledge only from general report. I therefore think it best that you should resume your duties under the general instructions you have from the Department, without further reference to me.

It may have been of use to the Tuscarora to have obtained repairs at Southampton to put her in seaworthy condition. But had I imagined that the captain did not intend to try the sea, I should not have taken the responsibility of calling him from his station. I can only say that I shall not attempt anything of the kind again.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 105.] UNITED STATES CONSULATE,
Liverpool, August 8, 1862.

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SIR: There are many rumors afloat about the gunboat No. 290. Some say that she is still in the channel; others, that she is gone to sea and is to meet one of the steamers in mid-ocean and there receive her armament; but there are none that I think reliable. I am now inclined to think that she will run into one of the southern ports, but have nothing definite or certain about her. I have one of the notes given to the crew at time of shipping. It is inclosed, marked No. 3. In this note [252] she is called the *Enrica, which, I presume, is to be her name. I procured this note, thinking it might be of some service in case of her capture.

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I have, &c.,
(Signed) THOMAS H. DUDLEY.

Agreement made at Liverpool this 28th day of July, 1862.

£2 10*s.* 0*d.*

Ten days after the ship Enrica sails from the port of Liverpool, the undersigned do hereby promise and agree to pay to any person who shall advance £2 10*s.* 0*d.* to James

Daw on this agreement the sum of £2 10*s.* 0*d.*, provided the said James Daw shall sail in the said ship from the said port of Liverpool.

MATTHEW J. BUTCHER,
Master.

Payable at Cunard & Wilson, London and Liverpool Chambers, Exchange.

Mr. Dudley to Mr. Seward.

[Extract.]

No. 108.]

UNITED STATES CONSULATE,
Liverpool, August 12, 1862.

SIR: I understand that Laird's gunboat 290 is somewhere either on the coast of England or Ireland, and that they are shipping to-day fifty more men, who are to be taken to her to-night on a steamer. I have written and telegraphed this information to Minister Adams, and also written to Mr. Craven, the captain of the United States ship Tuscarora, off Kingston, in Ireland.

* * * * * * *

I am, &c.,
(Signed) THOMAS H. DUDLEY.

Mr. Dudley to Mr. Seward.

No. 109.]

UNITED STATES CONSULATE,
Liverpool, August 13, 1862.

SIR: I wrote you yesterday that they were shipping men from the gun-boat No. 290, and that there were reasons to suppose that she was somewhere in the channel, &c. The men were placed on board of the steamer Bahama, which arrived at this port a few days ago loaded with cotton. This is the same steamer that sailed from Hamburg some months ago, loaded with arms and munitions of war intended for the rebel government. She took on cannon, shot, and ammunition, and her coal yesterday, and shipped her crew and the men intended for the gun-boat last evening, and went out of her dock at 3 o'clock this morning. I cannot see her in the river. She has no doubt sailed; where, I do not know, but no doubt to some place agreed upon to meet the gun-boat. The cannon and ammunition, as well as men, are intended for this vessel. There has been as yet no entry at the customs of the Bahama to load, much less to clear, but she is one of the class that seems to be privileged by the authorities in this country. She is a large vessel, over 1,700 tons in burden, commanded by Captain Tessin.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

N. B.—I have learned that she (the Bahama) entered yesterday to load for Nassau. I have written to Mr. Adams, United States minister at London, and to the consul at Dublin, all the particulars, and from time to time sent telegrams of the movements here. The Tuscarora was yesterday in Dublin harbor.

[253] *Mr. Dudley to Mr. Seward.

[Extract.]

No. 113.]
UNITED STATES CONSULATE,
Liverpool August 20, 1862.

SIR: * * * * * * *

There is now not much doubt but what the steamer Bahama, which cleared here in so much hurry, is to meet the gunboat 290 at some place agreed upon. She has the armament and men for her. I doubt now whether she will make the attempt to run the blockade. There is no necessity for her to do it. She has gone out without clearing, and her armament and men are on the Bahama, and as soon as she gets them she is ready to commence her operations as a privateer. She will make the attempt to capture one of the Californian steamers; at least, this has been said by some of the leading men here. Edwin Haigh, the same man who pretends to own the Bermuda, pretends to own the Bahama. The register is in his name, but the vessel belongs to Fraser, Trenholm & Co.

* * * * * * *

I am, &c.,
(Signed) THOMAS H. DUDLEY.

Mr. Seward to Mr. Adams.

No. 329.]
DEPARTMENT OF STATE,
Washington, August 25, 1862.

SIR: Your dispatch of August 7, No. 203, has been received, and I have laid a copy of it before the Secretary of the Navy. It is to be hoped that Captain Craven will be able to obtain the approval of his proceedings by that Department. The escape of the 290 is especially vexatious, in view of all the judicious and almost successful efforts you had made to prevent it.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

PART II.

RECEPTION OF THE ALABAMA IN FOREIGN AND BRITISH PORTS.

*ALABAMA.

PART II.

RECEPTION OF THE ALABAMA IN FOREIGN AND BRITISH PORTS.

No. 1.

Consul Lawless to Earl Russell.

ST. PIERRE, *November* 26, 1862. (Received December 17.)

MY LORD: I have the honor to report to your lordship that the confederate steamer Alabama, Captain Semmes, has visited this island.

Correspondence.

The following are the circumstances in connection with the arrival and departure of this noted cruiser:

At St. Pierre, Martinique.

I had to proceed to Fort de France on the 12th instant on official business with an English ship lying there, and, on my arrival, I heard that an English bark, the Agrippina, master, McQueen, had entered the harbor on the previous evening with a cargo of coals, shipped at Cardiff and cleared from the custom-house there for Jamaica; that, to explain his presence at Fort de France, the master had stated that he was to receive instructions from me. I was, moreover, informed that it was reported in town that the coals on board of this vessel were destined for the Alabama.

I immediately sent for the master and acquainted him with what I had heard, at the same time expressing my surprise and displeasure at his having presumed to connect my name with such a matter. He assured me positively that these reports were without any foundation whatever; that he had merely said that, when about to leave England, he had received from his owners a telegram desiring him to call at Martinique, where he would find a letter of further instructions addressed to my care.

On informing him that I had received no such letter, he replied it would, no doubt, arrive by the next mail.

The harbor regulations not allowing vessels to remain over three days without paying port charges, I gave him, at his request, and on the faith of his assurances, a draught of a letter to be addressed to the authorities to obtain permission to await the arrival of the steamer due on the 18th of November without expense. This demand, I may here observe, was not granted ultimately.

Proceedings of the Agrippina.

On the same afternoon, having heard from the captain of the port that the pilot, who had been on board of the Agrippina, had reported to him that the master had told another British captain, who had boarded the ship in the offing, in his presence, that his cargo was for the Alabama, I at once sent for both the master and the pilot, but they all agreed that the statement the master of the Agrippina had made was to the effect merely that he had, on a previous voyage, taken stores to the Alabama. I expressed to him my opinion that he had acted most improperly on that occasion, and I warned him of the consequences that might follow the repetition of any such illegal proceedings. No longer feeling assured of the veracity of his protestations, and hearing that a sloop was about to sail for St. Vincent, I addressed a letter to the senior officer of the station, in the hope that it might find him there and procure for me the benefit of his advice.

[258] * On my return to Saint Pierre, finding everywhere the same rumors afloat concerning the Agrippina, I thought it proper to write to the master to repeat the observations I had already made to him verbally. Herewith I have the honor to inclose copies of both these letters.

I was obliged to return to Fort de France the next day to end the inquiry began the previous day with regard to another vessel, and I was about leaving again when the master of the Agrippina came to tell me he had a confidential communication to make. I answered that I would not refuse to hear any statement he might wish to make, but that I reserved to myself complete freedom of action as to the course I should adopt afterward, particularly if the communication had reference to the report in circulation concerning his vessel. He still persisted in making a statement to the effect that his cargo was, in truth, for a steamer that he had expected to find at Fort de France, and which he had reason to believe was a confederate cruiser.

I again pointed out the illegality of such a line of conduct, but the sequel showed that my remonstrances proved of no avail.

I next deemed it proper to acquaint his excellency the governor of what I had just learned. He did not seem much surprised, and observed that, if the Alabama came into port, he would act exactly as he had done on a former occasion, in the case of the Sumter, when the French government had altogether approved of the measures he had taken in regard to that vessel.

Arrival of the Alabama, November 18, 1862.

Nothing new occurred until the morning of the 18th instant, when a black, rakish-looking screw-steamer was seen approaching the land, steering for Fort de France. As she passed close before this town, she showed a British blue ensign and pennant, but no one was deceived by the character she had thus assumed. She was at once put down as the Alabama, and such in effect she proved to be.

Agrippina clears for Demerara.

On his arrival at Fort de France, Captain Semmes sent a message to the governor to request permission to land fifty-three prisoners whom he had on board. On the return of the officer they were landed and sent to the United States consul at this port. On the same afternoon the Agrippina, whose master had gone on board the Alabama, as soon as she came in sight, got under way, having taken a clearance for Demerara.

Arrival of the Federal ship San Jacinto, November 19.

Proceedings of the French authorities. Twenty-four hours' rule.

The Alabama appeared to be still well provided with fuel, and her commander said that he would leave during the night. But he was still at anchor on the morning of the 19th, when, about 7 a. m., a Federal war steamer suddenly made her appearance, which proved to be the San Jacinto, Captain Ronckendoff, from Barbados and Trinidad, on a cruise in search of the Alabama. The latter hoisted the confederate flag on perceiving the Federal vessel, whose commander declined to receive the government pilot, or enter the harbor on learning that, in such a case, he would have to remain in port twenty-four hours after the departure of his adversary. He was then informed, by a letter from the governor, that he must remain at a distance of three miles from the nearest land, and that any attempt to violate the neutrality of the port would be repressed by force of arms, if necessary.

Shortly afterward, a small French war steamer that was in the port was sent out, and took up a position, with steam up and her men at their quarters, between the rival ships. At the same time, the forts were manned, and twenty rounds of ammunition were served out for each gun bearing seaward, the officers in charge of those at the mouth of the bay having orders to maintain the San Jacinto at the prescribed distance from the land, and fire into whichever vessel might become the assailant.

Meanwhile, the greatest anxiety prevailed on shore; many, bearing in mind the vagaries of the Federal cruisers elsewhere, and recollecting what had occurred a year previously to the commander of the Iroquois, when the Sumter made her escape, were of opinion that the San Jacinto would have attempted, at all risks, to run down the Alabama where she lay. No such occurrence, fortunately, took place.

Meanwhile, the Alabama remained perfectly still, her crew being employed in painting and repairing the masts and rigging. Her captain, it seems, had at first taken the San Jacinto for another vessel of the force of his own, and he sent a message to the governor to say that, intending to go out to engage her, he in consequence requested his excellency to permit him to deposit, at the public treasury, a sum of money, about £12,000 sterling, which he had on board; this request could not be granted, and arrangements were being made with a merchant who was to receive it at a certain percentage, when, having recognized the San Jacinto, Captain Semmes sent word that he would keep the money on board, having made up his mind to run out that same night.

He did so, in effect, and accomplished his design so successfully that his adversary did not even perceive his flight, nor was it until
[259] after remaining thirty-six hours before * Fort de France after the Alabama had left that the captain of the San Jacinto could believe she had really got away.

The movements of the Alabama had been well calculated.

Shortly before sunset a boat had conveyed to the San Jacinto one of the masters who had been lately released from the Alabama, and who was sent by the United States consul to arrange for the signals to be made from an American schooner anchored near the Alabama, in case the latter should attempt to leave during the night.

Escape of the Alabama from San Jacinto.

Suspecting their intentions, Captain Semmes sent word to the captain of the port for a pilot, who came off forthwith, and at dusk he got under way, first running toward the inner port, and, when out of sight of the schooner, altering his course so as to run out on the south side of the bay. The pilot had left him, already, nearly half an hour, when the master of the schooner, on his return from the San Jacinto, finding the Alabama had gone, sent up three rockets in the direction which his crew told him she had taken.

The San Jacinto, under all steam, ran to the south side of the bay, and not meeting the Alabama, she having already passed out, Captain Ronckendoff remained all night off the entry to the bay, within which he placed his armed boats in a line, to prevent all egress. So certain was he of the result of these measures, that, as I have already said, he was with difficulty brought to believe the escape of his adversary.

The San Jacinto finally came to Saint Pierre, on the 21st, and sailed again immediately in search, it it said, of the Agrippina. She is expected to return here to coal.

Among the prisoners landed here from the Alabama was the American consul at the Mauritius and his family, who were returning to New York when the vessel conveying them was captured. He called upon me subsequently, and spoke very highly of the treatment he had experienced on board of the Alabama; but he added, all the other prisoners, masters as well as seamen, were kept in irons by Captain Semmes, in retaliation for the treatment one of his officers taken at Tangiers had received from his captors.

He also told me he had heard from the officers of the Alabama that their object in coming to this island was to meet a vessel which had on board, beneath a cargo of coal, supplies of guns and ammunition. He added that the master of the Agrippina was spoken of as having already done them a similar service at one of the western islands. He spoke of the armament of the Alabama as consisting of six of Blakeley's 32-pounders, one long 68 aft, and one rifled 100-pounder forward, both the latter being mounted on revolving carriages. Her crew, which is every day increased by volunteers from the vessels she captures, amounted to 149 when he left her.

This gentleman spoke in no measure of terms of the partiality which, he said, had been shown to the Alabama by the local authorities; and he further asserted that the officers sent by Captain Semmes, on his arrival, to the governor, brought back a letter-bag directed "confederate steamer Alabama."

I have not heard of this fact from other sources, but it cannot be denied that a strong feeling of sympathy, which, I believe, the authorities share to some extent, exists for the cause which the Alabama defends; but this feeling does not extend to the colored and black portion of the community, whose inclinations tend entirely in the opposite direction.

I herewith also inclose a copy of a second letter which I wrote by the mail-steamer on the arrival of the Alabama and the San Jacinto.

I trust the steps I have taken in this matter will meet with your lordship's approval, and as it is quite possible that this island may again become the scene of occurrences similar to those reported in this dispatch, I take the liberty to solicit any further instructions which your lordship may consider necessary for my guidance.

I have, &c.,
(Signed) WM. LAWLESS.

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[260] [*Inclosure 1 in No. 1.]

Consul Lawless to the senior officer commanding Her Majesty's naval forces, Windward Islands.

FORT DE FRANCE, *November* 13, 1862.

SIR: I take advantage of the departure of a small sloop for St. Vincent, where I fancy late occurrences may have required your presence, to acquaint you that I have received information on a matter of some importance, to which I feel unwilling to refer more openly here, lest my letter only fall into other hands.

I trust you may have it in your power to call off Saint Pierre, my port of residence, as I am anxious to confer with you, and have the benefit of your advice on the matter in question.

I am, &c.,
(Signed) WM. LAWLESS.

[Inclosure 2 in No. 1.]

Consul Lawless to the master of the British bark Agrippina, Fort de France.

SAINT PIERRE, *November* 13, 1862.

SIR: I find, on my return to this town, that the reports in circulation respecting your vessel, viz, that her cargo is intended for the confederate cruiser Alabama, have assumed such a shape that, despite the assurances you have given me to the contrary, I cannot refrain from thinking they may have some foundation.

I therefore deem it my duty to repeat to you here the observation I have already made to you verbally, on the impropriety and illegality which would attach to the line of conduct which is attributed to you.

I have again to call upon you strictly to obey the rules laid down in Her Majesty's proclamation, a copy of which I herewith inclose, and to warn you of the responsibility and risk that will attend any departure therefrom.

I am, &c.,
(Signed) WM. LAWLESS.

[Inclosure 3 in No. 1.]

Consul Lawless to the senior officer of Her Majesty's naval forces, Windward Islands.

SAINT PIERRE, *November* 19, 1862.

SIR: I have the honor to inform you that I have just been informed that a screw-steamer which passed before this port yesterday morning, wearing a blue English ensign and pennant, has anchored at Fort de France, and turns out to be the noted confederate cruiser Alabama, Captain Semmes.

A large number of prisoners, taken from twenty-seven vessels lately captured, have been sent to the American consul at this port, to whom it has also been reported that the motive of Captain Semmes's visit to this port is to take a supply of coals from an English vessel, the Agrippina, which, in effect, arrived at Fort de France about a week previously, with a cargo of the above description. It has been reported here, ever since the arrival of the Agrippina, that her cargo was intended for the Alabama; but this the master most positively denied, when, acting upon those reports, I deemed it my duty to recall to him the tenor of Her Majesty's proclamation of the 13th May, 1861.

I am ignorant, at this moment, what steps the local authorities will take in regard to this question; but I am inclined to believe that no opposition will be offered to the Alabama supplying her wants, so far as coal and provisions are concerned, in this island.

I have, &c.,
(Signed) WM. LAWLESS.

P. S.—I have now to inform you that news has been just received here of the arrival at Fort de France of the Federal war-steamer San Jacinto. It is also reported that her commander has declared that he will consider the Agrippina in the same light as the Alabama. I cannot say whether reliance can be placed on this statement.

W. L.

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[261] * No. 2.

Consul Lawless to Earl Russell.

SAINT PIERRE, *November* 26, 1862. (Received December 15.)

MY LORD: I have forwarded to your lordship a detailed account of the circumstances in connection with the late visit to this island of the confederate cruiser Alabama, Captain Semmes, in my dispatch No. 26, of this day's date, which I have sent forward by the French mail-steamer, to sail to-morrow for Saint Nazaire, in the hope of its reaching your lordship at an earlier date than by the steamer which will sail from Saint Thomas on the 1st proximo.

I have now the honor to transmit herewith an extract from a local paper, referring to the same subject.

The version it contains differs on some points from my statement, which may, nevertheless, be taken as the correct account of all the circumstances of the case.

The San Jacinto up to the present hour has not returned to this port.

I am, &c.,
(Signed) WM. LAWLESS.

[Inclosure in No. 2.]

Newspaper extract.

Newspaper account.

Lorsque nous écrivions mardi dernier que les assurances maritimes et toutes les marchandises d'importation avaient augmenté de prix sur les marchés des États-Unis par suite des ravages que faisait sur les côtes américaines le steamer confédéré l'Alabama, nous ne nous doutions pas que ce terrible destructeur jetait l'ancre au même instant dans la baie de Fort de France. Depuis le 12, c'est-à-dire, six jours auparavant, était entré au carénage, venant de Cardiff, le trois-mâts anglais l'Agrippina, et le capitaine de ce navire déclarait, après beaucoup de réticences, que son chargement de houille était destiné à un steamer qui ne tarderait pas à le venir prendre. Ce steamer était l'Alabama. Et, pour en finir sur ce point, disons que l'Alabama a été construit à Liverpool, dans les chantiers de Birkenhead, au moyen d'une souscription à laquelle ont concouru 290 négociants, tant de la localité que des ports en relations d'affaires avec les états du Sud, et que les 290 négociants ont fait cadeau du navire au Président Davis, qui en a donné le commandement au Commodore Semmes. Cet officier et ses lieutenants sont partis de Liverpool sur l'Alabama, armé on flûte, mais quelques jours après ils ont été rejoints, dans les eaux dormantes des Açores, sous le vent de Terceira, par un bâtiment du commerce auquel ils avaient donné rendezvous et qui a fait passer à leur bord un armement complet en hommes, canons et munitions. L'Alabama est un navire en bois, doublé en cuivre, à hélice; il est long de 210 pieds et étroit; peint en noir à l'extérieur, en brun à l'intérieur; il a l'arrière rond, l'avant évidé, le pont ras avec dunette. Il est armé de trois longues caronades de 82 de chaque bord, et porte, en outre, un canon rayé à pivot de 68; enfin son avant et son arrière peuvent recevoir un canon de chasse et un de retraite. Il est mâté en barque; une partie de son gréement est en fil de fer. Sa voilure comporte tout ce qui peut être nécessaire à un navire armé pour la marche la plus rapide. Sous voiles, il fait treize nœuds à l'heure, et quinze sous vapeur; il peut chauffer en vingt minutes, mais il se sert rarement de sa vapeur, sinon en chasse ou dans des occasions exceptionnelles. Son équipage est de 120 hommes, presque tous Anglais; les officiers appartiennent à la haute société du Sud. Les principaux chefs sont, ainsi que nous l'avons dit, M. Semmes, commandant-en-chef; MM. Kell, premier lieutenant; Armstrong, second lieutenant; Wilson, troisième lieutenant, et Low, quatrième lieutenant. Avant d'arriver à la Martinique, le steamer confédéré avait fait de nombreuses prises. Le capitaine du Tonowanda, navire américain arrivé à Liverpool à la fin d'octobre dernier, a raconté en effet que le 9 de ce mois il avait été abordé par 52° longitude ouest par une embarcation de l'Alabama qui lui avait intimé l'ordre de mettre en panne, et qu'après avoir tout visité pendant plusieurs heures, l'officier qui commandait l'embarcation l'avait relaxé comme ayant des connaissements signés par le consul anglais au port du départ constatant que la majeure partie de la cargaison était pour compte de maisons anglaises, et attendu d'ailleurs que le Capitaine Semmes se trouvait dans la nécessité de se débarrasser de nombreux prisonniers qu'il avait faits pendant sa croisière; [262] qu'enfin cet officier *s'est contenté de viser le journal du bord, d'y constater une prise de possession toute fictive du navire, puis d'envoyer à bord 74 hommes provenant de divers navires qu'il avait coulés ou incendiés depuis peu, afin que le Tonowanda les conduisit en Angleterre. Le capitaine a ajouté que l'officier de l'Alabama a assuré que depuis le commencement de sa croisière le Confédéré avait détruit seize bâtiments fédéraux, dont une dizaine de baleiniers. Parmi les derniers incendiés il a cité le navire Brillant, venant de Londres, le brick Echo, et un autre bâtiment dont ses hommes ne se rappellent pas bien le nom. Une enquête a été ouverte à bord du Tonowanda par le consul américain à Liverpool, et de cette enquête il est résulté que les 74 marins qui ont été transbordés de l'Alabama sur ce navire se composaient en partie des équipages des baleiniers américains Enoch Barnard et Virginia, du navire américain Brillant, ce dernier allant de New York à Londres avec des grains. Depuis l'Alabama a continué le cours de ses ravages, puisque le jour même où il mouillait à Fort de France il débarquait et mettait à la disposition du consul, M. Campbell, 45 autres passagers capturés sur des navires des États-Unis, et notamment M. Georges H. Fairfield, consul à Maurice, et sa femme, que rentraient dans leurs pays natal après une longue absence. Les passagers, il faut le dire, sont unanimes pour déposer des bons traitements dont ils ont été l'objet de la part des confédérés. Tant de coups, et de si funestes, portés au gouvernement fédéral peuvent-ils avoir une continuité? Mercredi dernier, c'était dans nos deux villes l'opinion générale qu'il n'en serait pas ainsi, car ce jour-là entrait résolument dans la baie de Fort de France, ses couleurs nationales à la corne, la frégate unioniste le San Jacinto, le même San Jacinto qui, sous le commandement du terrible Wilkes, a fait capituler le Trent. Le San Jacinto, armé de 16 canons de 80, monté par le Commodore Ronckendroff et 450 hommes d'élite, c'était là un rude jouteur, et cette fois c'en était bien fait de l'Alabama et du Capitaine Semmes, qui certainement n'en aurait pas raison et ne le traiterait pas en Iroquois. Telle était, disons-nous, l'opinion générale. Toutefois, l'Alabama, en voyant surgir ce for-

midable ennemi, ne s'était pas effrayé; il avait immédiatement arboré son pavillon et pris ses précautions. Qu'on juge de l'alerte donnée en ville et de l'émotion soulevée dans la population! En un instant la Savane était encombrée de curieux! Qu'allait-il se passer? Le San Jacinto allait-il recommencer le blocus auquel s'était livré l'Iroquois un an auparavant, ou bien oserait-il, sous le feu des Forts Desaix et Saint Louis, attaquer son adversaire? Tandis qu'on se livrait à ces conjectures, notre gouverneur, qui en a vu bien d'autres fort heureusement, donnait l'ordre au steamer le Tartare de quitter le carénage, canons en batteries et mèches allumées, et de venir mouiller en grande rade; puis il envoyait tous les hommes de l'artillerie au Fort Desaix, et faisait armer la Pointe des Nègres. Ceci exécuté sans bruit, sans éclat, presqu'à l'insu de tous, son chef d'état-major, M. le Lieutenant de vaisseau Vaillant se rendait à bord du San Jacinto pour rappeler au capitaine de ce frégate les préceptes de droit international pour le cas qui se présentait, et le prier en même temps de prendre connaissance des instructions de l'empereur en matiére de neutralité. Ces instructions, qui ont déjà été pratiquées pour l'affaire du Sumter, sont aussi simples que libérales. Protection égale pour tous, admission au port avec jouissance de droits définis ou libre navigation hors des eaux françaises, vingt-quatre heures d'intervalle entre le départ de chaque bâtiment ennemi. Après être tombés d'accord de part et d'autre sur ces conditions, M. le Chef d'État-Major a mis le San Jacinto en demeure de mouiller ou de se retirer hors des eaux françaises. C'est naturellement la dernière offre qui a été acceptée; le Commodore Ronckendroff s'est mis avec encore plus de philosophie que de résolution à croiser devant la baie de Fort de France. La journée se passa ainsi; l'Alabama se gréant, se peignant de la tête aux pieds après avoir congédié pour un port inconnu le charbonnier qui était arrivé pour son compte; le San Jacinto tirant des bordées furieuses et de plus en plus rapprochées; le Tartare et les forts surveillant à qui mieux mieux, et sans doute maugréant plus encore pour une si insipide corvée. Mais mercredi au soir, coup de théâtre! La retraite venait à peine d'être sonnée, il était un peu plus de sept heures et demie, quand tout à coup les nombreux promeneurs de la Savane, plus anxieux que jamais, virent passer comme une flèche, parallèlement à l'allée du Corps de Garde, l'Alabama qui avait levé l'ancre. Le Confédéré partait; il osait partir! En un instant, il avait gagné l'Ilet à Ramiers et glissait le long de la côte, dans l'ombre projetée par la terre des Trois Islets et des Anses d'Arlets. Emotion générale! Cris de rage et de surpris! Explosion d'espérances et de vœux de réussite! Le voilà au Cap Salomon, hors des tenèbres, en pleine mer; échappera-t-il? A-t-il été découvert? Sera-t-il attaqué? Tous les regards fouillent l'horizon, toutes les oreilles se tendent. Le canon ne résonne point, on n'entend rien, on ne voit rien. Qu'est-il arrivé? La passe est si étroite, les terres si rapprochées, le San Jacinto s'est sans doute aperçu de la fuite,
[263] et il a pris chasse. Si on n'a pas entendu le canon c'est *qu'il a voulu attaquer de
près. Chacun fait son commentaire et la nuit vient mettre un terme aux débats. Le lendemain, réponse à toutes les questions, à tous les vœux, à tous les désirs: Le San Jacinto, avec autant de résolution et de philosophie que la veille, était toujours au large accomplissant ses allées et venues dans le cercle tracé par le droit des gens. Il surveillait encore l'ennemi — absent. A huit heures, un canot de ce navire monté par un officier arrivait à terre pour prendre des renseignements; de tous côtés on lui criait, "Il est parti! il est parti! Que faites-vous là? Poursuivez-le!" L'officier n'en veut pas croire ses oreilles qui entendent ces avertissements, ses yeux qui n'aperçoivent plus nulle part le navire confédéré; il retourne à bord, fait son rapport; mais le Commandant Ronckendroff et l'état-major partagent son illusion. Le San Jacinto passe encore la journée entière à croiser. Dans l après-midi deux officiers venaient prendre congé du gouverneur au nom de leur chef retenu à son bord par une grave indisposition, et la frégate, peu après, s'éloignait.

Il est, cependent, un petit incident que nous ne devons pas taire et qui aurait dû renseigner le Commodore Rockendroff; nous voulons parler des fusées tirées par le capitaine de la goëlette unioniste le Hampden entrée à Fort de France vendredi dernier avec une cargaison de bois et d'aissantes. Ce bâtiment était mouillé à quelques brasses de l'Alabama et pouvait rendre compte du moindre mouvement des confédérés. Le Capitaine Semmes, qui a déjà vu sa première fuite de la Martinique salucé de feux de Bengale, se doutait bien que sa seconde escapade exciterait une pareille illumination; aussi s'empressa-t-il, pour la mettre à exécution, de profiter d'une visite que le capitaine du Hampden avait été faite à bord du San Jacinto dans le but sans doute de se procurer les fusées télégraphiques: "Les côtes de la Martinique sont de bons matelas," avait dit dans la journée le vieux loup de mer du Sud avec son impassible sang-froid; "on peut s'appuyer dessus sans s'endommager, je filerai et mes gardiens n'y verront que du feu." Le calembourg s'est vérifié. Il y avait plus d'une heure que l'Alabama avait pris la poudre d'escampette quand le capitaine du Hampden de retour à son bord, allumait son feu d'artifice. On sait à quoi il a servi. Mais comme rien ne se perd ici bas, M. l'Ordonnateur a requis des poursuites contra le marin qui avait violé les règlements du port en tirant la nuit des fusées sans autorisation et dans le but évident d'amener une collision qui pouvait avoir de fâcheuses conséquences pour les riverains si entièrement étrangers à toutes ces querelles américains.

Ainsi a fini cette comédie. Presqu'aussi ridicule que celle qui a eu la rade de St. Pierre pour théâtre il y a précisément un an, elle n'en a pas moins jeté l'alarme au sein d'une population paisible, troublé son calme habituel et exigé de la part de nos autorités une surveillance active. Les faits de ce genre ne doivent pas se renouveler. Ils mettent trop périlleusement en question les principes les plus sacrés, le respect du pavillon, la tranquillité des neutres, l'existence de gens inoffensifs; car, dans les conflits de ce genre, la solution à l'aimable ou à coups de canons ne tient qu'à un fil et peut dépendre souvent ou de la faiblesse d'une des parties ou de l'extrême violence de l'autre. Fort heureusement que notre gouverneur a fait preuve, à Fort de France comme à St. Pierre, dans l'une comme dans l'autre circonstance, d'autant de prudence que d'énergie et a su imposer par l'autorité de son caractère et de sa haute raison à toutes les passions mises en jeu. D'un autre côté, les deux commodores, nous aimons à le reconnaître, ne se sont pas écartés un seul instant de la plus stricte convenance, et, tout en accordant la plus grande déférence aux instructions et à la personne du chef de la colonie, ils ont fait leur devoir consciencieusement de part et d'autre. Tout a bien fini, nous le répétons, mais c'est là un jeu dangereux; il est à souhaiter qu'il ne se reproduise pas.

Le rideau baissé à Fort de France sur la grande pièce s'est relevé le lendemain à St. Pierre par un court et innocent intermède. Ce matin, entre neuf et dix heures, le San Jacinto a paru sur notre rade. Après un séjour de quelques heures qui lui a permis de communiquer avec le consul des États-Unis, cette frégate a pris le large pour faire, dit-on, le tour de l'île. Elle suppose que l'Alabama a cherché un gîte dans un de nos ports intermédiaires, où il s'est fait précéder par l'Agrippina, qui lui livera ainsi la houille, et peut-être la poudre, qu'elle a à son bord. Avons-nous besoin de dire que c'est là une illusion? Le Capitaine Semmes est bien loin; peut-être même a-t-il déjà mis la main sur quelque bonne prise. Nous ne souhaitons pas au Hampden, qui allume si bien les fusées, de le recontrer à la mer.

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[264] *No. 3.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 14, 1863. (Received February 16.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter, dated the 23d January, from Commodore Dunlop, with copies of its inclosures, reporting the arrival and proceedings of the confederate steamer Alabama, at Jamaica on the 20th January.

At Kingston, Jamaica.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 3.]

Commodore Dunlop to the secretary to the admiralty.

ABOUKIR, *at Jamaica, January* 23, 1863.

SIR: I have the honor to transmit herewith, to be laid before the lords commissioners of the admiralty, copy of a letter and its inclosures, which I have this day addressed to Vice-Admiral Sir Alexander Milne, commander-in-chief, reporting the arrival at Jamaica of the screw gun-vessel Alabama, under the so-called confederate States flag.

Report from Commodore Dunlop.

(Signed) HUGH DUNLOP.

[Inclosure 2 in No. 3.]

Commodore Dunlop to Vice-Admiral Sir A. Milne.

ABOUKIR, *at Jamaica, January* 23, 1863.

SIR: I have the honor to inform you that, on the evening of the 20th, a screw-steamer, apparenly a man-of-war, was seen off this port about sunset, under French colors. After dark the vessel entered the harbor, and upon being boarded proved to be the screw gun-vessel Alabama, under the so-called Confederate States flag.

Arrival of Alabama after sinking the Hatteras, January 20, 1863.

2. On the morning of the 21st her commander, Captain Semmes, called on me and asked for permission to land 17 officers and 101 men, the crew of the late United States gun-vessel Hatteras, which had engaged the Alabama twenty-five miles southeast of Galveston, Texas, during the night of the 11th January, and was sunk. The action, according to Captain Semmes's account, lasted from 13 to 15 minutes, when the Hatteras, being in a sinking state, ceased firing, and the crew were removed on board the Alabama, which there was just time to effect before the Hatteras went down.

3. In answer to Captain Semmes's application to land his prisoners, I replied that I had no authority to give such permission, but would immediately inform his excellency the lieutenant governor of his request, and let him know the answer I received as soon as possible.

4. I have the honor to annex copies of my correspondence with his excellency and his reply relative to landing the prisoners, also a copy of his excellency's letter to me, to notify to the captain of the Alabama the instructions contained in the third paragraph of Earl Russell's dispatch to the Duke of Newcastle,[1] and my reply thereto, as well as a copy of my letter to Captain Semmes, inclosing a copy of the third and fourth paragraphs of the dispatch referred to above.

Repairs required.

5. Captain Semmes then stated that he had six large shot-holes at the water-line, which it was absolutely necessary should be repaired before he could proceed to sea with safety, and asked permission to receive coal and necessary supplies. The necessity of the repairs was obvious, and I informed Captain Semmes that no time must be lost in completing them, taking in his supplies, and proceeding to sea in exact conformity with the spirit of Earl Russell's dispatch. Captain Semmes gave me his word of honor that no unnecessary delay should take place, adding, "My interest is entirely in accordance with your wishes on this point, for if I remain here an hour more than can be avoided I shall run the risk of finding a squadron of my enemies outside, for no doubt they will be in pursuit of me immediately."

6. Owing to the delay in receiving the lieutenant governor's answer to my letter relative to landing the prisoners from Spanish Town, it was not until the evening of the 21st that the permission to do so reached Captain Semmes, and too late for them to be landed that night. The crowded state of the vessel previous to the landing of the prisoners on the morning of the 22d made it difficult to proceed with the [265] necessary *repairs, and no doubt caused some unavoidable delay. As soon as these repairs are completed, the Alabama will proceed to sea.

I am, &c.,
(Signed) HUGH DUNLOP.

P. S.—I shall transmit a copy of this letter to the secretary of the admiralty. I annex a statement of the armament and equipment of the Alabama and Hatteras.

H. D.

[Inclosure 3 in No. 3.]

Commodore Dunlop to Lieutenant Governor Eyre.

ABOUKIR, *Port Royal, January* 21, 1863.

SIR: I have the honor to acquaint your excellency that the Confederate States gunboat Alabama arrived off here yesterday evening, under French colors, and entered this port after dark; and I inclose, for your information, a copy of the report of the officer of the guard who boarded her on entering the harbor.

Captain Semmes, of the Alabama, has, this morning, requested that he may be permitted to land the prisoners, as he cannot proceed with his refit, coaling, &c., until he has done so. I have acquainted him that I could give no permission until I had communicated with your excellency; I therefore beg you will inform me, as soon as possible, whether Captain Semmes may land the prisoners referred to.

I am, &c.,
(Signed) HUGH DUNLOP.

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[1] See regulations and instructions published by Her Britannic Majesty's government, vol. iii.

[Inclosure 4 in No. 3.]

Report of guard.

Arrived.		Name.	Where.		Under what colors.	Number of—			Horse-power.	Intelligence.
A. M.	P. M.		From—	Bound—		Men.	Tons.	Guns.		
	7. 10	Alabama, Captain Semmes, Confederate States sloop of war.	Arcas.	Port Royal.	French.	111	1, 023	8	300	Captain Semmes, commanding the Confederate States sloop Alabama, states that he has entered this port for the purpose of coaling, and also for the purpose of repairing damages received in fighting an action with the United States steam-sloop Hatteras on the 11th of January, 1863, off Galveston, Texas. Captain Semmes wishes to land the prisoners taken in the aforesaid action on the island of Jamaica, numbering 17 officers and 101 men. Captain Semmes also states that since the Alabama has belonged to the Confederate States' navy, she has not entered any port belonging to Great Britain.

(Signed) HOUNSLOW,
Lieutenant and Officer of the Guard.

PLOVER, *at Port Royal, January* 20, 1863.

[Inclosure 5 in No. 3.]

Lieutenant Governor Eyre to Commodore Dunlop.

KING'S HOUSE, *January* 21, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant and beg to acquaint you, in reply, that, having consulted with the attorney general, I do not see any grounds for objecting to the landing of the prisoners taken by the Alabama.

Permission given by governor for prisoners to be landed under advice of attorney general.

Common humanity would dictate such a permission being granted, or otherwise fever or pestilence might arise from an overcrowded ship.

Probably the best course would be to reply to Captain Semmes's application, that this government will not interfere with his landing any persons he may think proper.

Of course, once landed, no persons could be re-embarked against their will from British soil.

I have, &c.,
(Signed) E. EYRE.

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[266] [*Inclosure 6 in No. 3.]

Lieutenant Governor Eyre to Commodore Dunlop.

KING'S HOUSE, *January* 21, 1863.

SIR: Having received a report of the arrival at Port Royal of the confederate steamer Alabama, I deem it my duty to transmit herewith a circular dispatch, with inclosure, received from his grace the secretary of state for the colonies, and to request you to notify to the captain of the Alabama the instructions contained in the third paragraph of Earl Russel's dispatch to the Duke of Newcastle.

I am, &c.,
(Signed) E. EYRE.

[Inclosure 7 in No. 3.]

Commodore Dunlop to Lieutenant Governor Eyre.

ABOUKIR, *Port Royal, January* 21, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of his day's date, and, in accordance with your request, have furnished Captain Semmes with a copy of the third and fourth paragraphs of Earl Russell's dispatch of 31st January, 1862, to the Duke of Newcastle.

I am, &c.,
(Signed) HUGH DUNLOP.

[Inclosure 8 in No. 3.

Commodore Dunlop to Captain Semmes.

ABOUKIR, *Port Royal, January* 22, 1863.

SIR: I have the honor, by request of his excellency the lieutenant governor of this island, to transmit herewith, for your information, an extract from a dispatch dated 31st January, 1862, addressed by Her Majesty's secretary of state for foreign affairs to Her Majesty's secretary of state for the colonies.

I am, &c.,
(Signed) HUGH DUNLOP.

[Inclosure 9 in No. 3.]

Armament, &c., of the Alabama and the Hatteras.

	Guns.	Crew.	Tonnage.	Coal.
Alabama...	1 conical shot 100-pounder, rifled; also carries a 42-pounder round shot. 1 68-pounder, smooth-bore. 6 32-pounders, 45 cwt. 8 (All Blakeley's guns.)	Officers, including women. 27 Men 111 138	1, 023 (Screw.)	300 tons consumption, 30 tons per day. Full power.
Hatteras...	2 30-pounders, rifled. 1 28-pounder, rifled. 1 32-pounder, 27 cwt. 1 12-pounder, howitzer. 8	Officers .... 17 Men 108 125	1, 200 Iron paddle.	

No. 4.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
February 14, 1863. (Received *February* 14.)

SIR: I am directed by the Duke of Newcastle to transmit to you the accompanying dispatch from the lieutenant governor of Jamaica, reporting the arrival of the confederate steamer Alabama, for the purpose of repairing damages sustained in action with the United States steamer Hatteras.

Lord Russell's opinion as to proceedings at Kingston requested by colonial office.

[267] * I am to request that in laying this dispatch before Earl Russell, you will state to his lordship that his grace will be glad to be enabled to communicate to the lieutenant governor by the mail of the 16th instant the view which may be taken of his proceedings by Her Majesty's government.

To save time, the dispatch is forwarded in original, and its return is requested.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 4.]

Lieutenant Governor Eyre to the Duke of Newcastle.

KING'S HOUSE, *January* 21, 1863.

MY LORD DUKE: It having been reported to me this morning that the Confederate States war-steamer Alabama came into Port Royal last evening to repair damages sustained in an action with the United States war-steamer Hatteras, which she sunk, I have instructed the senior naval officer in this command, Commodore Dunlop, to give the notification required in Earl Russell's dispatch of the 1st January, 1862, forwarded in your grace's circular dispatch of the 1st February, 1862.

2. Since sending those directions I have received a communication from Commodore Dunlop, reporting that Captain Semmes, of the Alabama, applied for permission to land his prisoners, being the officers and crew of the Hatteras, which was destroyed, and asking whether such landing should be allowed.

3. Having consulted with the attoney general, who reported that no legal difficulty could arise, I have authorized Commodore Dunlop to notify to Captain Semmes that if he thinks fit to land any persons from the Alabama this government will not interfere with his doing so. Common humanity would seem to require this permission being accorded, as otherwise fever or pestilence might be expected to break out in a vessel so overcrowded with prisoners, to say nothing of the horrors which would ensue should the Alabama again go into action with them on board.

4. I trust your grace will approve the course I have taken, and at the same time furnish me with any instructions which may be deemed necessary in reference to any future cases of a similar nature.

I have, &c.,
(Signed) E. EYRE

[Inclosure 2 in No. 4.]

Commodore Dunlop to Lieutenant Governor Eyre, January 21, 1863.

[See inclosure 7 in No. 3.]

[Inclosure 3 in No. 4.]

Commodore Dunlop to Lieutenant Governor Eyre, January 21, 1863.

[See inclosure 3 in No. 3.]

[Inclosure 4 in No. 4.]

Report of the officer of the guard.

[See inclosure 4 in No. 3.]

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[268] *[Inclosure 5 in No. 4.]

Lieutenant Governor Eyre to Commodore Dunlop, January 21, 1863.

[See inclosure 5 in No. 3.]

No. 5.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *February* 14, 1863.

SIR: I have laid before Earl Russell your letter of this day's date, inclosing a dispatch from the governor of Jamaica reporting his proceedings in connection with the confederate steamer Alabama which had put in to Port Royal to repair damages sustained in action with the United States steamer Hatteras; and I am to state to you in reply, for the information of the Duke of Newcastle, that Lord Russell is of opinion that the proceedings of Governor Eyre in permitting the landing of the prisoners, under advice from the attorney general of the island, should be approved.

Lord Russell considers proceedings of the governor should be approved. Trusts that Alabama was warned to depart after necessary repairs executed.

Lord Russell trusts the Alabama has been warned to depart as soon as the necessary repairs are finished.

I am, &c.,
(Signed) E. HAMMOND.

P. S.—The inclosures in your letter are returned herewith, and Lord Russell requests that he may be furnished with copies of them.

No. 6.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 2, 1863. (Received March 3.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter dated the 7th February, from Commodore Dunlop to Vice-Admiral Sir Alexander McClure, with copies of its inclosures, reporting circumstances which occurred at Jamaica during the time the confederate vessel Alabama was at Port Royal.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 6.]

Commodore Dunlop to Vice-Admiral Sir A. Milne.

ABOUKIR, *at Jamaica, February* 7, 1863.

SIR: In order to anticipate any exaggeration or false reports that may be circulated in the American newspapers or otherwise, relative to the visit of the confederate gun-vessel Alabama at this port, and so to save unnecessary correspondence, I have the honor to state herein, for your information, the whole of the circumstances attending the visit of that vessel from her arrival to the time of her departure from Jamaica.

Further report from Commodore Dunlop.

2. As reported in my letter of the 23d January, the Alabama anchored in this port after dark on the evening of the 20th. She commenced repairing the damages received in action with the Federal gun-vessel Hatteras the next morning, at the same time receiving a supply of provisions and coal.

3. The lieutenant governor's permission for the prisoners to land not having reached me until the evening of the 21st, they did not leave the Alabama until the morning of the 22d, when they proceeded to Kingston in shore-boats, which were provided by the United States consul.

4. The commander of the late United States gun-vessel Hatteras did not call on me, or send me any communication whatever during his stay in this island.

5. At 9.30 a. m., on the morning of the 21st, the captain of the Jason waited on [269] *me to ask if I had any objection to officers of the ships in harbor going on board the Alabama; to which I answered that as it might be hurtful to the feelings of the officers and men, prisoners on board the Alabama, on no account was any one from any of Her Majesty's ships to visit that vessel until after all the prisoners were landed.

6. It having subsequently been reported to me that some officers had been on board the Alabama prior to the landing of the prisoners, I called on the captains and com-

manders of the different ships to report to me in writing, whether any officer under their command had acted contrary to my order. I find from the reports that four officers of the Challenger, four officers of the Cygnet, and one of the Greyhound had gone on board the confederate gun-vessel before my order was made known.

7. I regret that the captains and commanders of these ships should have given permission to their officers previous to communicating with me on the subject, though it was done entirely from thoughtlessness, forgetting that there could be any objection to it. The commander of the Cygnet was in hospital, and therefore is not responsible for the officers of that ship going on board the Alabama.

8. I annex a copy of a report from Commander Hickley relative to the tune of "Dixie's Land" having been played on board the Greyhound shortly after the Alabama anchored, and copy of a correspondence between him and Lieutenant Commander Blake, of the United States Navy, relative to the same. After the explanation that took place, Lieutenant Commander Blake expressed himself to Commander Hickley as perfectly satisfied that no British officer or gentleman would have been guilty of insulting gallant men suffering from a misfortune to which the chances of war render all liable. I severely reprimanded the lieutenant of the Greyhound who ordered the confederate air to be played, and he expressed his regret for having done so.

Alabama sailed January 25.

9. The fractures made by six large shot or shell near the water-line of the Alabama required extensive repairs, which could not be completed by the unskillful workmen hired here before late in the afternoon of the 25th, and the Alabama sailed at 8.30 p. m. of the same evening.

10. In conclusion I have only to state that the confederate vessel was treated strictly in accordance with the instructions contained in Earl Russell's letter of the 31st January, 1862, and exactly as I shall act toward any United States man-of-war that may hereafter call here.

11. Two United States ships of war, the Richmond and Powhatan, arrived here in 1861, coaled and provisioned, and remained in port, the Richmond four days, and the Powhatan three days; the San Jacinto was also here, and remained four hours.

I am, &c.,
(Signed) HUGH DUNLOP.

P. S.—I shall transmit a copy of this letter to the secretary of the admiralty.

[Inclosure 2 in No. 6.]

Commander Hickley to Commodore Dunlop.

GREYHOUND, *Port Royal, January* 21, 1863.

SIR: I have to acquaint you that, on the arrival of the Confederate States steamer 290, or Alabama, last evening, and while I was on board the Aboukir, dining with Captain Cracroft, I heard the well-known air of "Dixie's Land" being played by the drums and fifes of Her Majesty's ship Greyhound. I repaired on board immediately, and ordered several other national tunes to be played in succession; and, on making inquiry how such an error had been committed, I discovered that Lieutenant Cardale had directed the tune to be played in the hearing of the first lieutenant, who was on deck and in charge of the ship at the time.

I have the honor to inclose a copy of my letter to Lieutenant Cardale on the point, with the answer, for your information, that you may be made aware of such a circumstance happening in presence of your pennant, and for which I have to express my great regret.

I have, &c.,
(Signed) H. D. HICKLEY.

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[270] *[Inclosure 3 in No 6.]

Commander Hickley to Lieutenant Cardale.

GREYHOUND, *Port Royal, January* 21, 1863.

SIR: I have to request that you will acquaint me in writing why you caused the well-known air of "Dixie's Land" to be played by the drums and fifes of Her Majesty's ship Greyhound, shortly after the arrival of the Confederate States vessel 290, or Alabama, in this port last evening, and while that vessel was lying close alongside us, that I may make the commodore aware of the fact immediately, inclosing your explanation at the same time with the letter reporting it.

I have, &c.,
(Signed) H. D. HICKLEY.

[Inclosure 4 in No. 6.]

Lieutenant Cardale to Commander Hickley.

GREYHOUND, *Port Royal, January* 21, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this date, and, in reply, beg to state that I ordered the drums and fifes of Her Majesty's ship Greyhound to play the tune called "Dixie's Land" during the course of the evening, they being up and playing at the time. I did it partly as a compliment to the confederate man-of-war Alabama, partly as a tune we ask the bangee to play every night, simply because it is the ordinary usage and custom among the navies of civilized nations to play complimentary tunes to each other on such occasions. I believe, also, that there is no Federal man-of-war in harbor.

I have, &c.,
(Signed) CHAS. S. CARDALE.

[Inclosure 5 in No. 6.]

Lieutenant Gilby to Commander Hickley.

GREYHOUND, *Port Royal, January* 22, 1863.

SIR: It having been reported in your letter addressed to Commodore Hugh Dunlop, C. B., relative to the air of "Dixie's Land," played on the arrival of the Alabama, by the drums and fifes of Her Majesty's ship Greyhound, that I was on deck at the time, and in charge of the ship, thus making it appear that it was with my sanction and by my wish that such an air should be played, I think it only due to myself, and for my own justification, that I should explain more fully to you what share I had in this matter, and have to request that you will forward this my explanation to the commodore.

On Tuesday evening, the 20th of January, I observed the flag-ship with her colors up after sunset. I asked the signal-man the reason, and he was not able to inform me. I then directed him to go to the mast-head, and report if anything was in sight. He reported a steamer, bark-rigged. I again sent him up, and he reported a French man-of-war gunboat. The signal-boy, who came down afterwards, likewise reported the same. This vessel came in shortly after dark, and anchored alongside of us. No communication took place between the two ships.

When I went on deck shortly afterward, I heard Mr. Cardale give the order for the drums and fifes to play "Dixie's Land," and believing that the vessel lately arrived was a French man-of-war I saw no reason to prohibit the tune being played. I beg to call to your notice that your arrival on board was the only notice I had that the vessel was any other than her colors naturally led me to believe her to be.

While expressing my regret that such a mistake should have occurred while I was commanding officer, I have only to add that had I known, or even suspected, that the vessel was in either Federal or confederate employ, I should not have allowed such an air to be played.

I have, &c.,
(Signed) JOHN L. GILBY.

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[271] *[Inclosure 6 in No. 6.]

Commander Hickley to Commodore Dunlop.

GREYHOUND, *Port Royal, January* 24, 1863.

SIR: Herewith I have the honor to inclose, for your information, a copy of a letter received this day from Lieutenant Commander Blake, United States Navy, together with my reply to the same.

I have, &c.,
(Signed) H. D. HICKLEY.

[Inclosure 7 in No. 6.]

Lieutenant Commander Blake, U. S. N., to Commander Hickley.

UNITED STATES CONSULATE,
Kingston, Jamaica.

Lieutenant Commander H. C. Blake, of the United States Navy, presents his compliments to the commander of Her Britannic Majesty's ship Greyhound, and desires to learn whether or not he is at liberty to consider the playing of "Dixie's Land" by the band of the Greyhound, upon the arrival at Port Royal of the confederate steamer

Alabama on the evening of the 20th instant, as a mark of disrespect to the United States Government or its officers, who were prisoners on board of the Alabama at the period indicated.

Lieutenant Commander H. C. Blake respectfully requests an early response.

[Inclosure 8 in No. 6.]

Commander Hickley to Lieutenant Commander Blake, U. S. N.

GREYHOUND, *Port Royal, Jamaica, January* 24, 1863.

Commander Hickley, R. N., presents his compliments to Lieutenant Commander Blake, United States Navy, and has to acquaint him that, on the evening in question, and at the time of the arrival of the Alabama, he was on board the Aboukir dining with Captain Cracroft, and shortly after the time of the officer of the guard reporting the Alabama's arrival he heard the drums and fifes of Her Majesty's ship Greyhound playing, among other tunes, the tune of "Dixie's Land;" that he immediately repaired on board, causing other national tunes to be played, among which was the United States national air; severely reprimanded the inconsiderate young officer who ordered Dixie's Land to be played, calling for his reasons in writing, and forwarding them forthwith with his report to Commodore Hugh Dunlop, who also severely reprimanded this officer.

As the officer in question had no idea that any United States officer or man was on board the Alabama, it must be evident to Lieutenant Commander Blake that no insult was intended.

No. 7.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *March* 31, 1863. (Received April 1.)

SIR: With reference to my letter of the 14th February, and to your reply of the same date, respecting the Confederate steamer Alabama, I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, the copy of a dispatch from the lieutenant governor of Jamaica reporting that the Alabama had left Port Royal on the 25th January.

I am, &c.,
(Signed) FREDERIC ROGERS.

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[272] [Inclosure in No. 7.]

Lieutenant Governor Eyre to the Duke of Newcastle.

KING'S HOUSE, *March* 7, 1863.

MY LORD DUKE: In reply to your Grace's dispatch of the 16th ultimo, in reference to the confederate steamer Alabama, I have the honor to report that that vessel left Port Royal on the 25th January last immediately her repairs were completed.

I have, &c.,
(Signed) E. EYRE.

No. 8.

Consul Lennon-Hunt to Earl Russell.

PERNAMBUCO, *April* 28, 1863. (Received May 22.)

At Fernando de Noronha.

April, 1864.

MY LORD: I have the honor to report to your lordship that, on the 26th instant, a Brazilian schooner arrived at this port bringing about sixty men, the masters and crews of various United States vessels captured and burnt at sea by the steam-vessel Alabama, of the Confederate States of North

America, between latitude 1° 20′ north and the island of Fernando de Noronha, a dependency of this province. About forty men more of the crews of the vessels which have been destroyed are expected to arrive here forthwith, and a further number, estimated at twenty-five, are reported to have volunteered for service on board of the Alabama.

The president of this province, on learning that the Alabama had touched at the island of Fernando de Noronha, and that the governor had entertained the captain and provided him and his attendants with horses to go about the island, and had returned his official visit in uniform, immediately dispatched an officer in the Brazilian steam-vessel Mamanguape to inquire into these statements, to require Captain Semmes to leave the island within twenty-four hours, and to supersede the governor if what had been asserted should prove to be true.

It was stated by some of the masters of the captured vessels that many of the hostile acts of the commander of the Alabama had been committed in Brazilian waters, within a marine league of the island of Noronha; all the evidence, however, which I have been able to collect tends to disprove this assertion. There is not, up to the present time, any ground for believing that the commander of the Alabama has infringed the neutrality of this state.

On the other side, I beg to add, for the information of your lordship, a nominal list of the vessels to which the men who have arrived here belonged.

I have, &c.,
(Signed) G. LENNON-HUNT

[Inclosure in No. 8.]

List of United States vessels taken and burned by the confederate steamer Alabama.

March 23.—Schooner Kingfisher, of Fairhaven, (whaler,) 121 tons; 36 barrels of oil. Burned same day.

March 25.—Ship Nora, of Boston, 927 tons, from Liverpool, bound to Calcutta; 1,520 tons of salt. Burned on the following day.

March 25.—Ship Charles Hill, 699 tons, from Liverpool to Montevideo, with 999 tons of salt; latitude 1° 23′ north. Burned on the following day.

April 4.—Ship Louisa Hatch, of Rockland, 853 tons, 3° 30′ south, with 1,033 tons of coal for the Peninsular and Oriental Company, bound to Point de Galle, (Ceylon.) The Alabama having taken out a supply of coal off Fernando de Noronha, the vessel was burnt on the 19th instant.

[273] **April* 15.—Bark Lafayette of New Bedford, (whaler,) in 12° 3′ north. Burnt on the same day.

April 15.—Schooner Kate Cory of Westport, 125 tons, (whaler.) Burnt on the 19th of April off Fernando de Noronha.

No. 9.

Extracts from correspondence published in Congress documents, "Papers relating to Foreign Affairs, 1862–'63."

Mr. Webb to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 7, 1863.

SIR: The English steamer brought me dispatches from our consul at Pernambuco, copies of which I inclose, marked 1 and 2. These came to hand by the second delivery on Monday evening.

* * * * * * *

Before retiring to rest, I addressed to the Marquis

Correspondence between United States minister and Brazilian government respecting reception of Alabama at Fernando de Noronha.

d'Abrantes the dispatch marked No. 3; and, after it had been copied, on Tuesday morning, I took it in person to the Foreign Office. I saw the under-secretary, who informed me that the president of Pernambuco had reported to the government the proceedings of the Alabama at Fernando de Noronha, and that I would, probably, find the marquis at the Chamber of Deputies. I accordingly drove to the chamber, where, after great delay, I ascertained that he had gone to his residence on Botofoga Bay, some four miles distant, complaining of indisposition.

* * * * * * *

We met at 4 o'clock, and after listening to my representations, in the course of which I pointed out the *animus* of the English consul in furnishing our consul with a copy of his report from the officers of the Oneida, which was calculated to excite ill blood between the United States and Brazil, he heartily expressed his regret at what had occurred, and his determination to have written me a note in anticipation of receiving one from me; in which note he intended to express the determination of the government to remove and otherwise punish the offending governor of Fernando de Noronha. I expressed my satisfaction at this, and said, I had refused to comply with the request of the under-secretary to leave the dispatch at the Foreign Office, because I anticipated the willingness of the government to act without prompting, in which case I could abstain from giving him the dispatch, and, therefore, had opened it myself, and obtained his consent to read it to him in advance, in order that I might withdraw it in case he was prepared to take the initiative; and I, accordingly, offered to retain my dispatch, and assume that I had not written it. He said, "No; your dispatch makes no claim at present, but leaves the whole question to the justice of Brazil; a compliment which we appreciate, and I will lay it before His Majesty the Emperor."

I then informed him that it was my intention to have returned to Petropolis on that day. And as it was not possible to return until I had received an official communication from him on the subject, and forwarded it to you, I indulged the hope that he would give me his reply to my dispatch at his earliest convenience. He assured me it should be in my possession last evening. It failed to arrive, however, and at 9 o'clock this (Thursday) morning I was again at his house on Botofoga Bay, determined to have an interview with him before he went to his office or the senate, or the Chamber of Deputies, where he is in attendance daily, there being a kind of ministerial crisis pending, and it being the right and duty of ministers to speak in both houses in defense of their measures.

He laughed at my pertinacity in persisting in having his reply in possession at once, and promised it for this evening.

It was whispered to me that a Brazilian coasting-steamer arrived last evening from Pernambuco, with two days' later news, which was the cause of my not getting a dispatch last night. I know not how [274] this may affect the question; but if the facts, on investiga*tion, turn out as represented, I have not a doubt in regard to the action of the imperial government.

THURSDAY, 4 *o'clock p. m.*

I received the promised dispatch at 1.35 p. m. instead of 11 a. m., and immediately came to the city, and had it translated by a consul's clerk, and inclose it herewith, marked No. 4. You will perceive it covers the whole ground, and that the officer in command has been removed in consequence of an investigation into the affair, made by the president of the Province of Pernambuco. It is only just to the imperial government to bear in mind that, previous to any such formal investigation, and upon the mere *prima facie* aspect of the case and general rumor, the commandant's removal was determined upon and reported to me.

I shall, of course, address a letter to the Government immediately on my return to Petropolis, acknowledging the receipt of the Marquis d'Abrantes's dispatch, and thanking him for the promptness which the imperial government has exhibited in punishing one of its officials for his neglect of duty, and I hope in due time to receive from you a dispatch on this subject, to be sent to the Foreign Office.

* * * * * * *

I have, &c.,
(Signed) J. WATSON WEBB.

[Inclosure 1.]

Mr. Adamson to Mr. Webb.

UNITED STATES CONSULATE,
Pernambuco, April 27, 1863.

SIR: I am under the very painful necessity of announcing to you the destruction, by the pirate Alabama, of six American vessels.

The very short time between this and the sailing of the English mail-packet will prevent me from giving you the full particulars. I can only say now that the Brazilian schooner Sergipano arrived here yesterday from the island of Fernando de Noronha, with sixty-one persons on board as passengers, being the officers and crews of the schooner Kingfisher of Fairhaven, ship Nora of Boston, ship Charles Hill of Boston, and ship Louisa Hatch, Rockland, Maine. The crews of these vessels are under my protection.

The schooner Kingfisher was a whaling-vessel of 121 tons burden. She was captured by the Alabama on the 23d March, off Fernando de Noronha.

The ship Nora was captured on the 25th March, latitude 1° 23′ north, longitude 26° 30′ west.

The ship Charles Hill was captured at the same time and place.

The Louisa Hatch was taken on the 4th April, latitude 3° 13′ south, longitude 26° 18′ west.

The first vessel had about thirty barrels of oil on board.

The second was from Liverpool, bound to Calcutta, with 1,520 tons of salt.

The third was from Liverpool for Montevideo, with 999 tons of salt.

And the fourth was from Cardiff, bound for Point de Galle, Ceylon, laden with 1,033 tons of coals for the Peninsula and Oriental Company.

The pirate stripped the vessels of their small-stores, chronometers, &c., took all the money from the captain, about 280 tons of coal from the Louisa Hatch, and then burned the vessels.

From the 10th to the 16th April the Alabama was in the port of the island of Fernando de Noronha; during this time, viz, on the 15th April, the Alabama captured in Brazilian waters two other American vessels, viz, the brig Kate Corning of Westport, and the Lafayette of New Bedford. These vessels were touching for supplies. The Alabama went out and seized them within two miles of the shore. The pirate set fire to and destroyed the Lafayette immediately. He towed the Kate Corning to the anchorage, which constitutes the only harbor of the island, and, about four days after, took her out in company with the Louisa Hatch and burned both, and this within two miles of the shore.

Comment is quite unnecessary. It is impossible to say what complications may arise from these circumstances, and I would, therefore, be happy to receive any advice you may have to offer.

I remain, &c.,
(Signed) THOMAS ADAMSON, JUN., *Consul.*

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[275] *PERNAMBUCO, *April* 27, 1863.

THE ALABAMA.—We have just had news of this famous privateer by a vessel from Fernando de Noronha, off this coast. She has captured and burned the following Federal ships: Kingfisher, Thomas E. Lambert, on 23d March; ship Charles Hill, Percival, on 25th March; ship Nora, C. E. Adams, on the same day; ship Louisa Hatch, Wm. Grant. This last ship was proceeding from Cardiff to Point Galle, consigned to a French company, with coals. The brigantine Kate and the Lafayette were taken on the 17th.

It seems that the captain (Semmes) and the governor of Fernando were mutually polite—exchanging visits, and driving out together. The captain bought everything of which he stood in need, and landed his prisoners. The Kate and the Lafayette were taken on the 17th, close to the island. The masters of these vessels, suspecting nothing, had taken their boats ashore to water, and from the shore witnessed the burning of their ships. They say that the governor protested against this act being committed in Brazilian waters.

Sixty-two prisoners have been landed here, (Pernambuco,) and forty-four were remaining on the island. Eleven Englishmen had entered for the privateer.

The foremost men of the captured vessels were put in irons while on board the privateer, and lost whatever money they may have had, but were allowed to retain all articles of use, as watches, rings, &c. The masters were allowed to give their parole, but, in reference to property, fared in the same way as the rest of the crews.

[Inclosure 2.]

Mr. Thomas F. Wilson to Mr. Webb.

CONSULATE OF THE UNITED STATES,
Bahia, April 29, 1863.

SIR: I have this moment learned that the pirate Alabama is off the coast of Brazil, north of Pernambuco, destroying American merchantmen.

Through the politeness of the British consul of this city, I have been allowed to copy the report furnished him by the officers of the British mail-steamer from Southampton, which I herewith inclose you for your information. You will, perhaps, have been furnished by our consul at Pernambuco with the particulars of these recent exploits; but fearing that by some accident you may not have received such information, I lay before you all I have on the subject.

In haste, yours, &c.,
(Signed) THOMAS F. WILSON.

[Inclosure 3.]

Mr. Webb to the Marquis d'Abrantes.

[Extract.]

LEGATION OF THE UNITED STATES,
Hotel dos Estrangeiros, Rio de Janeiro, May 4, 1863.

The undersigned, envoy extraordinary and minister plenipotentiary for the United States, has the honor to inform his excellency the Marquis d'Abrantes, counselor to His Imperial Majesty the Emperor of Brazil, minister and secretary of state for foreign affairs, that he has, this evening, received from the consul of the United States at Pernambuco a dispatch dated April 27, from which the following are extracts:

"I am under the painful necessity of announcing to you the destruction by the pirate Alabama of six American vessels. The very short time between this and the sailing of the English mail-packet will prevent my giving you the full particulars. I can only say now that the Brazilian schooner Sergipano arrived here yesterday from the island of Fernando de Noronha, with sixty-one persons on board as passengers, being the officers and crews of the schooner Kingfisher, of Fairhaven, ship Nora, of Boston, ship Charles Hill, of Boston, and ship Louisa Hatch, of Rockland, Maine."

* * * * * * *

"From the 10th to the 16th of April the Alabama was in the port of the island of Fernando de Noronha, during which time, viz, on the 15th of April, the pirate captured in Brazilian waters two other American vessels, viz, the brig Kate Corning, of [276] Westport, *and the Lafayette, of New Bedford. These vessels were touching at Fernando de Noronha for supplies. The Alabama went out and seized them within two miles of the shore. The pirate set fire to and destroyed the Lafayette immediately. He towed the Kate Corning to the anchorage, which constitutes the only harbor to the island, and, a few days after, took her out in company with the Louisa Hatch and burned both, and this within two miles of the shore."

The United States consul at Bahia, under date of 29th April, writes the undersigned as follows:

"I have this moment learned that the pirate Alabama is off the coast of Brazil, north of Pernambuco, destroying American merchantmen. Through the politeness of the British consul at this port, I have been allowed to copy the report furnished him by the officers of the British mail-steamer from Southampton, which I herewith inclose for your information."

The report alluded to, after confirming the capture and burning of the American ships by the English piratical vessel called the Alabama, which was built in an English port, with English capital, manned and armed by Englishmen, and without ever having been in American waters, either north or south, is now prowling about the ocean and preying upon the unprotected commerce of a neutral and friendly nation, proceeds to say:

"It seems that the captain (Semmes) and the governor of Fernando de Noronha were mutually polite, exchanging visits, and riding and driving out together. The captain bought everything of which he stood in need, and landed his prisoners."

"The Kate Corning and Lafayette were taken on the 17th, close to the island. The masters of these vessels, suspecting nothing, had taken their boats ashore to water, and from the shore witnessed the burning of their ships."

"Sixty-two prisoners have been landed here, (Pernambuco,) and forty-four were remaining on the island. Eleven Englishmen had entered for the privateer."

The undersigned presumes that the government of Brazil has been officially apprised of this outrage on the commerce of the United States, in the waters of Brazil, by the English piratical vessel called the Alabama, an outrage perpetrated, in fact, within one of its harbors, as two of the vessels destroyed were actually at anchor in what constitutes the harbor of Fernando de Noronha; and it would appear from the information furnished, that the governor of that island gave countenance and support to the pirate. He therefore prefers relying upon the justice of Brazil for prompt redress in the premises, to indulging in any comments upon this reported outrage on American commerce, accompanied by a violation of international law; and contents himself, for the moment, by calling the attention of your excellency to the gross breach of neutrality, said to have been perpetrated, by a high official of the imperial government.

In the hope that your excellency will favor the undersigned with a reply to this communication in time to allow him to transmit it to his government by the steamer of the 9th instant, he hastens to avail, &c.

(Signed) J. WATSON WEBB.

[Inclosure 4.]

The Marquis d'Abrantes to Mr. Webb.

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 7, 1863.

By official communication from the president of the province of Pernambuco, the imperial government has been informed that, on the 10th day of last month the steamer Alabama, belonging to the Confederate States of America, came to anchor in the harbor of island Rata, near the island of Fernando de Noronha.

A few days after said steamer captured six whale-ships of the Federal States, and burnt two of them, after having taken possession of their cargoes. The crews of these vessels were taken to Recife, capital of the province, by a Brazilian vessel.

The president being apprised of these facts, ordered immediately an inquiry, all the persons composing the crews of the aforesaid vessels being interrogated. The United States consul also made the investigations that he thought necessary.

From these inquiries and investigations it is evident that the captain of the Alabama went several times to the island of Fernando de Noronha, accompanied by some of his men; that he communicated with the commanding officer of the island; and that [277] *he went ashore several times, in order to supply the steamer with the articles needed, and to land the crews of the captured vessels.

It is also evident that the capture and burning of the vessels took place in the territorial waters of the empire; and, finally, that the commander of the island neglected the duties of his position, as he did not even protest against the proceedings of the captain of the Alabama. At Bahia.

In these circumstances the president of the province, after having conferred with the United States consul, dismissed the aforesaid commander, and ordered proceedings to be commenced against him.

In this emergency, as there was no means at Pernambuco of stopping the proceedings of the captain of the Alabama, the president immediately solicited from the imperial government the convenient measures, and protested solemnly against the proceedings of the said captain, ordering him to leave the territorial waters of the empire within twenty-four hours.

The government of His Majesty has approved of the proceedings of the president of the province of Pernambuco in this emergency, and has taken the necessary measures to repress the outrages of the captain of the Alabama, in order that the neutrality which this empire ought to observe in this war may be religiously maintained. Apprising Mr. James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States, of the facts already stated, I flatter myself of having anticipated the desire that he undoubtedly had of being minutely informed of this occurrence; and I also congratulate myself that Mr. Webb will recognize in the proceedings of the imperial government the exact observance of those principles of neutrality to which I already referred.

I reiterate, &c.,

(Signed) MARQUIS D'ABRANTES.

Mr. Webb to Mr. Seward.

[Extract.]

No. 47.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 23, 1863.

Georgia also at Bahia, Florida at Pernambuco, repairing. May, 1863.

SIR: The European and American mail, by the French steam-packet Guienne, reached me on Tuesday evening, the 19th, at 7 o'clock, and brought full reports from our consuls at Bahia and Pernambuco, of the doings of the pirates Alabama, Florida, and Georgia on this coast. By their reports, copies of which they forwarded to the Department of State, I was informed that the Alabama and Georgia were lying in the harbor of Bahia, and receiving the hospitalities of those ports; while the Florida was in Pernambuco refitting and repairing her engine, to enable her to renew her depredations upon American commerce. They also reported that they now had on hand about 250 of crews and passengers of the American vessels captured and destroyed by the pirates; and as the law makes no provision for the support of ship-masters and passengers in foreign ports, they asked instructions from me in relation to the course to be pursued by them now, and under similar circumstances hereafter.

At 6 o'clock on the following morning I was on my way to this city; and at 11.30 was in the Foreign Office, where I learned that the Marquis d'Abrantes was with the Emperor at the palace of Saint Christoval. I called again at 3 p. m., just as the office was being closed, and was informed that he was still at the palace, and that when he left there he would go direct to his residence at Botofoga Bay, which is four miles from here, (the United States consulate.) I was at his residence twice during the evening, and left word with his private secretary that I should call at half-past 8 on the following morning.

* * * * * * *

I got at work at 12 a. m., and at 7.22 p. m. placed in his hands at Botofoga my dispatch herewith, marked No. 1. Please bear in mind that this was written, copied, and delivered in person four miles from here, in my brief time, and that the necessity for accuracy was paramount to all other considerations, and find therein any apology necessary for deficiency in the manner of doing the work.

This morning at a quarter before 9 I was again with the marquis, when he assured me he was then engaged in preparing a preliminary dispatch, which would be satisfactory, and which I should have in possession late this evening, or early to-morrow, Sunday—the steamer not sailing until Monday. This will give me time to finish this dispatch.

* * * * * * *

Our consuls at Bahia and Pernambuco having exhibited great [278] energy and judgment *in the discharge of their duties, in the embarrassing position in which they were placed, I addressed to them each an official letter in reply to their communications, a copy of which, marked 2, is inclosed. All the prisoners, both male and female, were robbed by the pirates, our consul to Cherpoo being the only one who saved a few dollars by throwing them into his boots. Passengers and masters are alike destitute; and being rendered so while under our flag, I think I cannot be wrong in having directed the consuls to care for them, precisely as if the law embraced their case.

The pirate fleet—for such it has become—now consists of six vesssels, and will very shortly consist of fifty if the pirates can manage to possess themselves of the necessary guns to arm their prizes. How far they succeeded in Bahia and Pernambuco I cannot say; but we know that the Alabama had armed the ships Lapwing and ———, and the Florida had armed the Clarence, from this port to Baltimore. There is no difficulty about getting crews, as the foreigners on board our vessels promptly volunteered to serve on board the pirates; one of the conditions being, as Semmes admitted to the ladies landed in Bahia, who sought to recover certain family relics, that his men may plunder and pillage all crews and passengers captured, but must abstain from rape and murder. Thus these steamers are not only pirates themselves, but they assume the right of converting all their prizes into pirates. What commerce can exist under such proceedings, and who is it that reaps the reward?

* * * * * * *

I inclose herewith, marked No. 3, a letter from an intelligent German gentleman, who came passenger in the Guienne and saw the Mohican at Saint Vincent, and the Florida, Alabama, and Georgia at Pernambuco and Bahia, by which it appears that the Alabama claims to have captured forty-nine vessels, besides the Hatteras, the Florida ten, and Georgia two—sixty-one in all. Semmes, however, is said to claim that the Alabama alone has destroyed sixty-four vessels; and the possession of nearly 200 chronometers, which he displays in his cabin, would appear to sustain the claim; and as our unprotected commerce is just as much in danger from her armed prizes, with one gun, as from the steamers, and as he avows his purpose to convert every fast-sailing prize into an armed pirate, and is actually doing so, the destruction of the fleet, wherever met with, appears to be a duty which overrides all considerations of comity between nations, and respect for neutral waters.

Semmes says he is bound for the Pacific, from which I infer that he is going round the Cape of Good Hope, and into the China Seas; while, probably, the Florida and Georgia will go into the Pacific, all of them first cruising near Saint Helena in the track of our homeward-bound Indiamen.

SUNDAY, *May* 24, 1863, *Hotel d'Etrangers*, 6 *p. m.*

I have just received from the Marquis d'Abrantes a reply to my dispatch, which I inclose herewith, marked No. 4. It is full of the most friendly professions and assurances, and I doubt not it will, in due time, be followed by one disclaiming the acts of the governors of Pernambuco and Bahia, and condemning their conduct. The governor of Pernambuco is an Albuquerque, and belongs to the most powerful and influential family in northern Brazil.

* * * * * * *

I have, &c.,
(Signed) J. WATSON WEBB.

[Inclosure 1.]

Mr. Webb to the Marquis d'Abrantes.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 21, 1863.

Correspondence between United States minister and Brazilian government respecting reception of confederate vessels in Brazilian ports.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to call the attention of his excellency the Marquis d'Abrantes, councillor to His Imperial Majesty the Emperer, minister and secretary of state for foreign affairs, to a gross breach of neutrality, perpetrated, and now being perpetrated, on the part of the representatives of His Majesty's government, at the ports of Pernambuco and Bahia.

When the French steamer Guienne left these ports the pirate Florida was lying in Pernambuco, receiving the hospitalities of that port, coaling and taking on board provisions, and undergoing the necessary repairs to enable her to continue her cruise.

Complaint of breach of neutrality by governor of Pernambuco.

[279] *And what was the openly avowed purpose of such cruise? The destruction of the commerce of the United States, a friendly nation, and one with whom Brazil has close and most amicable relations. Did there exist any doubt of the character of the Florida? Most assuredly not. She was known to the governor of Pernambuco as being the consort of the Alabama, and bearing the same piratical flag; and the Alabama had been declared by the governor to be a corsair, which had violated the sovereignty and neutrality of Brazil by outrages upon the commerce of the United States in Brazilian waters, and therefore ordered to leave a port in the island of Fernando Noronha. And yet, with the knowledge of the piratical character of the Florida and her flag, and in defiance of the protest of the consul of the United States, the governor, in an official communication addressed to the pirate on the 8th of May, conceded to him the right to remain in port twenty-four hours to land prisoners, to supply himself with such coals and provisions, and to make such repairs, as were necessary to enable him to continue his cruise against the commerce of the United States.

On that day the Florida, under such authority from the governor, did land the officers, crew, and passengers of the United States brig Clarence, from the port of Rio Janeiro to Baltimore, in the United States, captured by the pirate two days previously, as known to the governor; and, on the same day, made application to the governor for permission to remain in port four days instead of twenty-four hours. In reply, the governor, in reply to a communication to the pirate, now before the undersigned, dated the 9th of May, informed the applicant that, inasmuch as he represented to him that a compliance with his order to leave in twenty-four hours will compel him to do so in a distressed condition, because the repairs to his engine, necessary to his safety, cannot be completed in that time, and would be illiberal and inhuman and expose him to danger, and Brazil to the consequences; and inasmuch as he, the governor, does not wish to be inhuman or illiberal, or endanger the safety of the pirate, or to lessen his means of defense, or expose him to imminent risks, therefore, believing the representation to have been made in good faith, and that he cannot in safety continue his cruise (against American commerce bound to Brazil) unless given time to repair his engine, the said governor, representing the sovereignty of Brazil, and recognizing the traitors in rebellion against the United States as belligerents, does accord to the commander of the pirate bearing their flag all the time he asks for repairs, and privilege of taking in such coals and provisions as may place him in a condition to continue his depredations upon the commerce of a friendly power. A grosser breach of neutrality has never come to the knowledge of the undersigned.

Clarence fitted out by Florida. Goods taken in her sold at Pernambuco.

There is no difference in the eye of the international law between taking a part or the whole of a prize into a neutral port; and although the Florida did not bring the Clarence into Pernambuco, having fitted her out as a privateer, yet the fact of bringing in her officers, crew, and passengers, and the goods of which they had robbed her and those on board, was, to all legal intents and purposes, the same as bringing in the captured vessel or vessels, some of which she had burned, and one, at least, armed as a privateer. And the goods so pillaged and robbed from the United States vessels were openly sold and peddled in the streets of Pernambuco; articles known to be worth or to have cost from 400 to 600 milreis selling, as the undersigned is assured, for 15 milreis. And thus Pernambuco becoming, as was justly remarked by a prominent merchant of that place, not an American, "a mart for the sale of goods taken by pirates out of American vessels almost within sight of the port; and the pirate captors at that moment lying in the harbor, and receiving the protection and hospitality of the port of Pernambuco, with the full sanction of the government of the province, who is the immediate representative of His Imperial Majesty."

The undersigned doubts not but that all the facts of the case have been officially reported to the government of His Imperial Majesty the Emperor; and also

Alabama and Georgia at Bahia.

that it is known to your excellency that both the pirates Alabama and Georgia were in the port of Bahia when the steamer Guienne sailed from there on the 14th instant. The Alabama arrived on the 11th, and the consul of the United States, as it was his duty to do, not only demanded that, as her character was known, and her outrages upon American commerce in Brazilian waters have been proclaimed and acted upon by Brazilian authorities, that all supplies should be refused to her, but that the ship itself should be seized, and held subject to the action of the imperial government for its piracies within Brazilian jurisdiction; and for which Brazil would be responsible were it not that the vessel is a pirate, and belongs to no recognized nationality.

The undersigned, knowing the character of those corsairs, was satisfied that the government of His Imperial Majesty had done all that it was in its power to do when it removed the commandant of Fernando Noronha from his place, and ordered the [280] pirate to * leave its waters, because the government has not the means of capturing him. But when the pirate entered the port of Bahia, and placed himself in the power of Brazil, and in a position where he could be seized and made responsible for his piracies upon American vessels within the waters of Brazil, it was the bounden duty of the governor of Bahia to have seized the pirate until the pleasure of the imperial government should be known in the premises. Your excellency will not for a moment deny that, having, by your official acts, and those of the governor of Pernambuco, recognized the fact that this pirate has violated the waters and outraged the sovereignty of Brazil, it is your duty, when opportunity offers, to vindicate your violated sovereignty and by his capture, if possible, remunerate the injury done to American commerce within your waters. And should the pirate come into this port when the ability of Brazil to capture and detain him admits of no question, beyond all doubt the neglect to do so would be not only an unfriendly act toward the United States, but would render Brazil responsible for all and every aggression which he might commit on American commerce after leaving this port.

If the Alabama is not seized, Brazil will be held to be responsible for all he Alabama's aggressions after leaving Brazilian ports.

The law-officers of the Crown of England gravely decided that the fitting out of this pirate in the port of Liverpool, and the Florida and Georgia in Scotland, on a well-grounded *suspicion* that they were intended to prey upon the commerce of a friendly nation, demanded, for the English government, their forcible detention. An order for the Alabama's detention was accordingly issued, but arrived at Liverpool within one hour after she had sailed.

The Government of the United States, therefore, has given notice to the government of England that they will hold England responsible for all the injuries done to American commerce; and the leading statesmen of England, on the floor of the House of Commons, have conceded that it was the duty of the Crown to have captured her on the bare suspicion, apparently well founded; and the law-officers having decided that a case of justifiable suspicion was made out, the government neglected its duty, and cannot plead, in bar of our claim, that it failed in carrying out a good intention.

* * * * * * *

The undersigned, therefore, submits to your excellency whether, if the fact be as stated, that the mere suspicion, well grounded, of the purposes of this pirate, rendered it the duty of the English government, according to her statesmen and law-officers, to detain her, what is the duty of Brazil? The Alabama's purposes, and the purposes of her associate pirates, sailing under a flag not recognized by Brazil or any other nation, are no longer subject to suspicion only. They are avowedly and openly freebooters upon American commerce, without any nationality, and they have practiced their calling all along the Brazilian coast, and, in several instances, to the knowledge and just indignation of Brazil, *within Brazilian waters;* and yet they impudently run into Brazilian ports for protection, and to *refit,* and render more certain their ability to capture, pillage, burn, and destroy American vessels. At this moment—or, rather, as recently as the 14th instant—it is officially reported to the undersigned that there were no less than 228 persons in Pernambuco and Bahia composing the officers and crews of American ships destroyed by the three pirates now in the harbor of Brazil; and all of these captured individuals, according to law and the decisions of the undersigned, are now being supported at the cost of the Government of the United States. Each and all of the three pirates have landed their prisoners in Brazilian ports, made proclamation that they were captured in American ships, by them destroyed, and then claimed at the hands of Brazil the *right to refit* for further plunder and depredations upon the unprotected commerce of a friendly nation. With the knowledge of Brazil in regard to the practices of these pirates, would not her responsibility to the United States, to humanity, and the civilization of the age, be far greater than was the responsibility of England in not detaining them on well-grounded suspicion only? Can there be a solitary plea devised, not founded on hostility to the United States and a desire to see its commerce injured, which would justify the government of Brazil in permitting them to *refit* in her ports, and supplying themselves with provisions and coal?

The Georgia lands prisoners avowedly taken from a captured American ship, and asks permission of the governor of Bahia to coal and buy provisions, and the permission is cordially granted.

The Florida lands her prisoners, officers, crews, and passengers of American vessels captured and burned, and not only asks and receives permission to coal and purchase provisions, but, further, asks to be allowed whatever time is necessary to repair her engine and *refit* for her work of destruction; and, in defiance of the solemn and most earnest protest of the consul of the United States, this privilege is accorded to her by the governor of Pernambuco, from a desire *not to diminish his means of defense and security!*

Protest of United States minister.

[281] *The Alabama goes into Bahia, and does not even ask permission to remain. She arrived on the 11th, and was still there when the Guienne sailed on the 14th. The consul of the United States protested against her presence, and demanded that she should be seized and held, subject to the orders of the Brazilian government, for having destroyed American property in Brazilian waters, for which the Government of the United States will hold Brazil responsible, if, now that the opportunity presents, the authorities do not vindicate the sovereignty of Brazil and capture the pirate. The governor of Bahia sends to the United States consul the communication of the governor of Pernambuco to the captain of the pirate complaining of his piracies, charging him with a violation of Brazilian sovereignty, and ordering him, in consequence of such disgraceful conduct, to leave the waters of Brazil within twenty-four hours. The governor of Bahia thus demonstrates that he knows the piratical character of this vessel, and is familiar with her violation of the sovereignty of Brazil by destroying American vessels within the waters of that empire. He knows, too, that the imperial government, by its acts, had proclaimed this pirate guilty of violations of its sovereignty, and ordered him to leave their port of Fernando Noronha, and yet he deliberately permits him to enter the port of Bahia, refuses to regard the protest of our consul, and at the last accounts had harbored him four days without pretending that his presence was not acceptable!

Thus, at this moment, the ports of Brazil are made harbors of refuge and places of resort and departure for three piratical vessels, avowedly designed to prey upon the commerce of the United States. The waters of Brazil are violated with impunity in this piratical work, and after the imperial government had admitted and declared its indignation at such violation of sovereignty the guilty party is received with hospitality and friendship by the governor of Bahia, and, instead of being captured and imprisoned and his vessel detained, he is fêted and supplied with the necessary provisions and coal to enable him to continue his depredations upon American commerce. The wharves and streets of Bahia and Pernambuco have been for weeks past swarmed with American sailors and passengers from merchantmen trading with Brazil which have been captured and the persons on board robbed by the pirates of the Alabama, Florida, and Georgia, and they have been compelled, in the ports of a friendly nation, to witness their clothing and jewelry, and even family relics, sold on the wharves and in the streets of Bahia and Pernambuco by their piratical captors at a tenth of their value, while the piratical vessels and all on board were received and treated as friends and supplied with the necessary materials to continue their nefarious practices. The scenes which history informs us were rife in the seventeenth century in the islands of the West Indies are now being enacted in this the nineteenth century in the ports of Brazil, and that through no fault of the imperial government—which has already done its whole duty as rapidly as circumstances have permitted—but because the governors of Pernambuco and Bahia, in their sympathy with piracy and pirates, have neglected their duty to Brazil, and brought discredit upon the civilization of the age.

Your excellency is aware that the facts in connection with the presence of these piratical vessels in the ports of Brazil are even stronger than in this hasty communication they are presented, and, therefore, the undersigned will not for a moment doubt but the imperial government will promptly visit upon the offending governors the punishment they have so richly merited. But it appears to the undersigned that the government of Brazil has still another duty to perform, itself, to the Government of the United States, to humanity, and to the civilization of the age, and that is the capture of the Alabama whenever she enters a Brazilian harbor. That piratical vessel has violated the sovereignty of Brazil by destroying the vessels of a friendly nation within the waters of the empire. The government of Brazil, by its acts, has proclaimed this fact; and, most assuredly, if, when it has the power to do so, it does not capture and detain the offender, it makes itself a party to his acts, and compels the Government of the United States not only to look to Brazil for compensation for injuries done to its commerce within its waters, but also to hold Brazil responsible for permitting this pirate to proceed in his depredations upon American commerce.

If Brazil does not seize the Alabama,

The undersigned does not visit upon the imperial government the conduct of its governors toward the Florida and Georgia, well knowing that it will, as heretofore, do its duty in the premises. But the case of the Alabama

is a very different one. She has violated the neutrality and outraged the sovereignty of Brazil, by capturing and burning American vessels in Brazilian waters; and if, when Brazil possesses the ability and the opportunity offers, she does not take possession of her, assuredly the government of Brazil assumes the responsibility of her acts, and the United States will be compelled to look for redress to Brazil, as she did to Portugal in
[282] the case of the General Armstrong. * The privateer General Armstrong was destroyed by a British man-of-war, in 1813, in a Portuguese port. The United States persisted in its demand for redress from Portugal for more than thirty years. It was then referred to a friendly power.

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The undersigned alludes to this case to show the right of the United States to demand the capture of the pirate Alabama by Brazil, if possible, as a duty due alike to itself, to the United States, and to humanity and civilization. And he takes this occasion to render to your excellency his cordial respect and confidence and his most distinguished consideration.

(Signed) J. WATSON WEBB.

[Inclosure 2.]

Mr. Webb to the consuls at Bahia and at Pernambuco.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 22, 1863.

MY DEAR SIR: Accept my warmest thanks, for myself and in behalf of our country, for the prompt, efficient, and energetic manner in which you have discharged your duty as consul under the trying circumstances to which you have been exposed. Your conduct not only meets my hearty approval, but my decisive commendation, as it assuredly will that of the Government at home.

I have had various interviews with the government, and last evening handed in a dispatch of thirty-two pages, which is to be submitted to a special meeting of the cabinet to-day at 12 o'clock, and I hope in a postscript to this letter to give you the result.

It does not become me to interfere with your instructions, or to decide upon the construction of the law; but when the law is silent, as it must of necessity be in a case like the present, which could not be anticipated, somebody must assume the responsibility of legislating temporarily in the premises. The law does not compel you to support the officers and passengers of vessels sunk at sea by pirates, but humanity and the honor of our country does. You will, therefore, in all such cases, continue to do as your own good sense and kind feelings prompt, and consider this your authority for so doing until otherwise instructed from Washington.

Believe me, &c.,
(Signed) J. WATSON WEBB.

[Inclosure 3.]

Mr. Grebert to Mr. Webb.

[Translation.]

RIO DE JANEIRO, *May* 21, 1863.

MR. MINISTER: With pleasure I am ready to give to your excellency knowledge of what I have observed of the secessionist privateers on my recent voyage from Bordeaux to this port on board the French packet Guienne, agreeably to the request with which your excellency has honored me.

In Europe I was in an uncertainty as to where the privateer Alabama and the other privateers were. Until we arrived at St. Vincent I learned nothing more of the Alabama or of the other privateers. On our entering St. Vincent at 7 o'clock in the morning, on the 5th day of this month, we found anchored in that port the North American vessel of war Mohican, and I there gathered information that in the neighboring waters another vessel of war was cruising, supposed to be the Vanderbilt. We were informed at St. Vincent that a few days before our arrival a steamer had appeared in sight of the port, but had immediately disappeared. It is supposed that this steamer must have been a secessionist privateer.

On the 12th day of this month, at 6 o'clock in the morning, we arrived at Pernambuco, and, to our general surprise, found quietly anchored in that port, inside the reef, the privateer Florida, and immediately on the port visit of the officer of customs and other visitors we learned from the authorities that the privateers Florida and Alabama were committing, in the waters of Brazil, acts of landing the captive crews of numerous American merchant-vessels. I learned, further, that the Alabama had been in the Gulf of Fernando Noronha, where she had landed a large number of the captive crews of destroyed vessels. I was told by inhabitants of Pernambuco that the governor of the Gulf of Fernando Noronha had received Captain Semmes, the commander of the privateer Alabama, and his crew with much sympathy; that he even offered him a salute and a ride on horseback. In consequence of this the president of Pernambuco had dismissed this governor; but when we arrived at Pernambuco he was already [283] *restored to his place, my informant not being able to explain the reason. The Florida arrived in the port of Pernambuco in the morning of the 9th of this month; and at 5 o'clock of the afternoon of the 12th she sailed, together with us, the Guienne, accompanying us until dark, when she took her course to the east. I was told, by several persons in Pernambuco, that this privateer only sailed from the port in order not to disobey the commands of the president, who had permitted *only four days' stay* in the port for making repairs to her engine, and for supplying herself with coal and provisions. It was said, moreover, that she would return after a day or two, and that this was probable, because she had purchased various articles that she had not received when she sailed; among others, 800 yards of cloth, for clothing for the crew. To me, and many of my fellow-passengers, the maintenance of strict neutrality was inexplicable, in view of what was going on in the Gulf of Fernando Noronha and at Pernambuco, especially when we were informed at Pernambuco that the crew of the Florida had sold the large quantity of articles (prize goods) which they had plundered from the destroyed vessels, at prices which were insignificant in comparison with their real value.

On the 14th, at 4 o'clock in the morning, we entered the port of Bahia, where we were surprised at the state of the Alabama and Georgia, which were anchored "side by side" in that port, these privateers having been there for two days. On the same day (the 14th) Commander Semmes had opened his vessel to the curiosity of the public; two small steamers were all day (of the 14th) from morning till night engaged in carrying visitors from the shore on board that cruel and atrocious pirate, and back again. At the least, there were, on that day, more than 2,000 persons on board the Alabama. I went on board the Alabama at noon, and more than 200 visitors were present at the same time. I remained on board more than an hour, examining the vessel, her equipments, and crew, as much as circumstances would permit. Captain Semmes was not on board, because he had an invitation to an entertainment given to him by the railroad company, to which he had gone. I had a conversation with an officer, Marfit (Maffit,) the son of the commander of the Florida. He told me that, in nine months' cruising, they had captured, in all, forty-nine merchant-vessels, besides destroying the Hatteras. (The Florida had, up to the 12th of this month, captured ten vessels, and the Georgia two.) A German seaman told me that he and the other seamen had each, in pay and allowances in the concern, £1,800, which he expected to be paid at the conclusion of the war. An officer of the Georgia told me that the Georgia had been seen at St. Vincent, but went higher up when she discovered the Mohican in the port of St. Vincent; he told me, moreover, that in her cruise from Greenock (in England) to Bahia she had captured and destroyed two American vessels, whose crews she landed at Bahia.

We resumed our voyage at 5 o'clock in the afternoon of the 14th, for this port, leaving the two pirates at their anchorage, where we found them in the morning.

The foregoing is what I have seen and observed, together with information which I was able to obtain from interested and disinterested persons; and, with much pleasure, I communicate it to your excellency, in compliance with your request, and in the hope of doing some good for the cause of humanity, which is so cruelly offended by these wicked pirates.

I am, &c.,
(Signed) G. C. GREBERT.

[Inclosure 4.]

The Marquis d'Abrantes to Mr. Webb.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Rio de Janeiro, May 23, 1863.

Reply of Brazilian government to United States minister.

I hasten to acknowledge the reception of the note which, under date of the 21st instant, Mr. James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States at this court, has done me the honor to address to me, with a view of calling my attention to a serious violation of neutrality which has been perpetrated, and is now being perpetrated, by two representatives of the imperial government in the ports of Pernambuco and Bahia.

Mr. Webb, in referring to the proceedings of the presidents of said provinces toward the steamers of the Confederate States which come into their ports, accuses said presidents, and complains of their having afforded hospitality to those steamers, and of having permitted them to make repairs, to receive provisions, and to land merchandise of vessels which they had captured.

[284] *Mr. Webb bases his complaints on a series of acts, which he enumerates, and which he characterizes as violative of the neutrality which the government of His Majesty the Emperor imposes on itself, in the deplorable contest of the American Union.

The affair in question is undoubtedly grave and important, and the imperial government gives to the authorized language of Mr. Webb all the consideration which is due to it.

But for this very reason—and Mr. Webb will certainly acknowledge it—the imperial cabinet is under the unavoidable necessity of proceeding in such a delicate matter with the greatest discretion and prudence, in order to observe religiously the position which it has assumed since the manifestation of the first events which tended to the result of a division of the United States.

The position to which I allude Mr. Webb perfectly understands, as he also understands the principles on which it rests, since they were laid down in a circular, which was issued by the Imperial government to its delegates in the provinces, under date of the 1st of August, 1861.[1]

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[1] *Circular to the presidents of provinces.*

[Translation.]

RIO DE JANEIRO, MINISTRY OF FOREIGN AFFAIRS,
August 1, 1861.

ILLUSTRIOUS AND EXCELLENT SIR: The strife that has broken out between the Federal Government of the United States of North America, and some of those States which have declared themselves constituted as a separate confederation, may produce questions for our country, for the solution of which it is important that your excellency should be prepared; and I have, therefore, received orders from His Majesty the Emperor to declare to your excellency that the imperial government considers that it ought to maintain itself in the most strict neutrality during the war in which those States are unhappily engaged; and in order that that neutrality may be preserved, it is fitting that the following determinations be observed:

The Confederate States have no recognized existence; but, having constituted a distinct government *de facto*, the imperial government cannot consider their naval armaments as acts of piracy, nor refuse them, with the necessary restrictions, the character of belligerents which they have assumed.

In conformity with this, Brazilian subjects are to abstain from all participation and aid in favor of one of the belligerents, and they must not take part in any acts which can be considered as hostile to one of the two parties, and contrary to the obligations of the neutrality.

The exportation of warlike articles from the ports of the empire for the new Confederate States is absolutely prohibited, whether it is intended to be done under the Brazilian flag or that of another nation.

The same trade in contraband of war must be forbidden to Brazilian ships, although they may be destined for the ports subject to the Government of the North American Union.

No ship with the flag of one of the belligerents, and which may be employed in this war, or intended for it, can be provisioned, equipped, or armed in the ports of the empire; the furnishing of victuals and naval provisions indispensable for the continuation of the voyage not being included in this prohibition.

No ship of war or cruiser shall be allowed to enter and remain with prizes in our ports or bays more than twenty-four hours, except in case of forced arrival, and they shall in no way be allowed to dispose of the said prizes, or of objects coming from them.

In the execution of these measures, and in the solution of the questions which may arise, your excellency will be guided by the principles of international law, keeping in mind the instructions issued by this ministry on the 18th of May, 1854, retaining the purport of the circular of the 30th of July, 1859, relative to the United States at strife with the Confederate States; and you will communicate to the imperial government any difficulties or extraordinary occurrences that require fresh instructions.

I repeat, &c.,
(Signed) BENVENUTO AUGUSTO DE MAGALHAES TAQUES.

His Excellency the PRESIDENT OF THE PROVINCE OF ——.

Conforming to the rules generally admitted among civilized nations, the imperial government in that circular prescribes the practical mode of rendering effective the neutrality which it imposes on itself.

Without at present confirming or denying the acts as set forth by Mr. Webb, and without entering into an appreciation of the observations with which he accompanies the narration of them, what I can at once most positively declare to him is, that the government of His Majesty the Emperor is firmly resolved to maintain, and to cause to be respected, the neutrality, in the terms in which it has declared it assumed it, and what is important to declare, that it is not disposed to allow this neutrality to be violated in any way by those interested in the contest, and still less by the delegates of the Government itself.

Of the sincerity of this declaration Mr. Webb has an indisputable proof, in my note of the 7th instant, relative to the steamer Alabama, of the Confederate States, as in it I voluntarily hastened to bring to the knowledge of Mr. Webb not only the official communications which the imperial government has received in regard to the acts committed at Pernambuco by that steamer, but also the resolutions adopted by the government to approve entirely of the proceedings on that occasion of the president referred to, and to resort to the necessary measures to repress the abuses of the captain of the Alabama, and cause the neutrality of the empire to be religiously observed.

[285] *Therefore, Mr. Webb, certain as he must be of the intentions of the imperial government, and of all the respect which this government pays to his word, will assuredly not be surprised, that, before coming to a final decision on the important acts which form the subject of the note with which I am now occupied, the imperial government should hear what their delegates in the provinces have to relate, and should strive scrupulously to verify their exactness.

Presidents of Bahia and Pernambuco instructed to report.

By the French packet, which leaves this port on the 25th instant, the imperial government sends the most positive and conclusive orders to the presidents of Bahia and Pernambuco, that, without loss of time, they will circumstantially report in regard to each of the acts alleged in the note of Mr. Webb, of which he gives to them full information.

And, as soon as the reports referred to shall arrive, Mr. Webb may rely that the imperial government will not hesitate to put forth its hand to the means necessary to render effective the neutrality which it imposes on itself, provided it has been violated, and to leave beyond all doubt the fairness of its proceeding.

Flattering myself that this brief answer will tranquillize Mr. Webb, I profit by the occasion, &c.,

(Signed) MARQUIS D'ABRANTES.

Mr. Webb to Mr. Seward.

[Extract.]

No. 50.] LEGATION OF THE UNITED STATES,
Petropolis, June 7, 1863.

SIR: I inclose herewith three dispatches to the secretary of foreign affairs, numbered, respectively, 1, 2, and 3, according to date. You will perceive that two of them have reference to the presence of the pirates Alabama, Florida, and Georgia, in Brazilian ports.

* * * * * * *

I also forward a copy of a dispatch from the Marquis d'Abrantes, marked No. 4, dated May 29, in response to mine of the 27th.

* * * * * * *

I have, &c.,
(Signed) J. WATSON WEBB.

[Inclosure.]

Mr. Webb to the Marquis d'Abrantes.

LEGATION OF THE UNITED STATES,
Petropolis, May 27, 1863.

Further representation of United States minister.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to report to his excellency the Marquis d'Abrantes, counselor to His Imperial Majesty and secretary of state for foreign affairs, that on the 20th instant, in the evening, the pirates Alabama and Georgia were still in the port of Bahia. The Alabama arrived there on the 11th, and the Georgia on the evening of the 12th, so that the former had been in Bahia nine days, harbored, protected, and supplied with the necessary stores and provisions by the authorities of that port, in defiance of the solemn protest of the consul of the United States, and in utter disregard of the well-known fact that this pirate had captured and destroyed American shipping in the waters of Brazil; and for so doing, thereby violating the neutrality and insulting the sovereignty of the empire, had been ordered by the president of Pernambuco to leave the island of Fernando Noronha.

The pirate Georgia having arrived at Bahia on the 12th, had been in that port eight days, receiving coal and such stores and provisions as were necessary to enable her to continue her depredations upon the unprotected commerce of a friendly nation; and both the pirates landed a large number of prisoners, with the sanction and aid of the governor, proclaiming them to be the passengers, officers, and crews of unarmed American merchantmen, trading with Brazil and other friendly nations, which had been captured and destroyed by the freebooters, who were so kindly received and harbored by the authorities and inhabitants of Bahia. And in the streets and on the wharves of that city, with the knowledge and approval of the president and
[286] authorities, the freebooters of *both the piratical vessels publicly hawked about and sold the articles of clothing and *bijouterie* of which they had pillaged and robbed the defenseless females and other passengers, as well as the officers and crews, of the American ships they had burned and destroyed at sea.

Castor allowed to deliver coal and cannon to Georgia at Bahia.

By arrangement the English bark Castor arrived at Bahia almost simultaneously with the two pirates, having on board coal shipped for them at Liverpool, to be delivered to them in the port of Bahia; and it was publicly remarked that, in addition to coal for the pirates, she had also on board two guns of 125-pound caliber each, and other munitions of war. Thereupon the consul of the United States represented the facts to the president, suggesting that a guard should be placed on board said bark Castor, and she be prohibited from going alongside of the pirates, particularly at night, to discharge into them her coals and munitions of war, in violation of the neutrality of Brazil. This protest the president acknowledged to have received at 6 p. m. on the day it was written, and yet on that same night the said bark Castor was permitted to go alongside the Georgia, and only ordered to leave her on the following morning, when, of course, she had accomplished her purpose of going alongside, whatever that purpose was.

These facts, in the opinion of the undersigned, are calculated very seriously to compromise the government of Brazil and the cordial relations existing between it and the United States, and they are placed before your excellency in the hope and belief that the president of Bahia will be so dealt with by the imperial government, without any specific demand from the undersigned, that he may call the attention of his Government to the proceeding, as another evidence of the desire of Brazil to maintain, unimpaired, the very cordial and friendly relations now existing with the United States. And he avails, &c.,

(Signed) J. WATSON WEBB.

[Inclosure 2.]

The Marquis d'Abrantes to Mr. Webb.

MINISTERIO DOS NEGOCIOS ESTRANGEIROS,
Rio de Janeiro, May 29, 1863.

Fulfilling the duty of acknowledging the reception of the note, dated the 27th of the present month, which Senhor James Watson Webb, envoy extraordinary and minister plenipotentiary from the United States, has done me the honor of sending me, in this city, for the purpose of exclaiming against the recent facts which he states to have been done by the president of the province of Bahia, in violation of the neutrality of the empire, in favor of the confederate steamers Alabama and Georgia, I take upon me, in answer, to assure Senhor Webb that, giving my whole and due consideration to these allegations, as soon as shall have arrived the information in regard to the matters claimed to have been done by the aforesaid president, the imperial government, as I have informed General Webb in my note of the 23d of the current month, will not hesitate to proceed in conformity with the position it has assumed and to which it is bound.

I renew, &c.,

(Signed) MARQUIS D'ABRANTES.

Mr. Seward to Mr. Webb.

No. 66.] DEPARTMENT OF STATE,
Washington, June 19, 1863.

SIR: Your dispatch of the 7th of May, No. 47, has been received.

I esteem it a pleasing circumstance that it brought the first information which the Department has received of the abuses of the flag of Brazil and the violation of our own rights committed by the pirate Alabama at Fernando de Noronha. The painful impressions which these transactions have made were thus alleviated by the extraordinary diligence exercised on your part in bringing the transactions home to the knowledge of the Emperor's government, and by the prompt, just, and friendly proceedings which that government has adopted.

You cannot express too strongly to the Duke d'Abrantes the satisfaction with which the President regards these proceedings. They are in the very spirit which, from the beginning of your mission, we have thought ought to be maintained in the intercourse of Brazil with the United States as a friendly American power.

[287] *I forbear from raising the question whether indemnities will be due to the United States for the losses and injuries inflicted upon their citizens until we shall have received more authentic information of the circumstances which attend the transaction.

Your suggestions for an increase of our naval force in the waters of Brazil have been referred to the Secretary of the Navy, and will receive attentive consideration.

When Congress shall have assembled, the President will probably submit to it the importance of developing our commerce with Brazil.

I have just learned, with sincere regret, of the interruption of diplomatic intercourse between the Emperor's government and that of Great Britain, and I sincerely hope that it may not be followed by any serious results or even be long continued. I am authorized to say, through you, to the Duke d'Abrantes, that if it shall be thought that the good offices of this Government would be useful in forwarding a reconciliation upon terms honorable to both parties, those good offices will be freely rendered. It would be to the President a pleasing duty to facilitate in that way, or in any other, the interests of Brazil.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

Mr. Webb to Mr. Seward.

[Extract.]

No. 51.] LEGATION OF THE UNITED STATES,
Petropolis, June 23, 1863.

SIR: This government has not as yet responded to my dispatches in regard to the pirates Alabama, Florida, and Georgia, but I have reason to know are exceedingly annoyed at their having been in the waters of Brazil. They have had a narrow escape from the Mohican, which vessel must at one time have been in their immediate vicinity; and if her commander had pushed on to Rio, when so near it, he could not have failed to have fallen in with two of them in the vicinity of Cape Frio, and directly in the track of vessels bound to this port. But doubtless the commander of the Mohican was misled by some cunningly-devised report, manufactured by the pirates themselves, and circulated by their English friends in Bahia. Consul Wilson reports that the Onward is at Bahia, in search of the pirates; and I indulge the hope that she will be more successful than the Mohican has been.

The continued depredations of these pirates directly off the mouth of the harbor of Rio are exceedingly annoying to all Americans in Brazil, and go to prove the absolute necessity of two good steamers of war, of great speed and powerful armament, at Rio. Iron-clads would be useless, and so with ordinary gun-boats; but two vessels of the Ticonderoga class would effectually protect our commerce, and insure the capture of any piratical cruisers that might venture to visit this coast.

As our consul will make full reports to you of the disasters to our commerce which have been reported since the pirates left Bahia, I forbear further allusion to the subject.

* * * * * * *

(Signed) J. WATSON WEBB.

Mr. Seward to Mr. Webb.

No. 69.]

DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: Your dispatch of the 23d of May, No. 47, has been received, together with its accompaniment, viz, a correspondence that has taken place between yourself and His Imperial Majesty's minister for foreign affairs on the subject of certain favors which were recently extended in the ports of Bahia and Pernambuco to the piratical vessels Alabama and Florida. This Government had already been informed of the injurious proceedings referred to by the United States consul residing in those ports. Your proceedings in that respect are approved, as is also the demand which you addressed to the minister of foreign affairs for redress and satisfaction.

Proceedings of United States minister approved by his Government, as also the demand addressed to the Brazilian government for redress and satisfaction.

It affords me much pleasure to say that the President is gratified with the just and liberal spirit which pervades the reply of the Marquis d'Abrantes, and confidently expects that the satisfaction which you have asked will be promptly accorded. Nevertheless, in making this acknowledgment to the marquis, you must at the same time inform him that this Government expects that an end shall be made of the practices of the presidents of provinces of which those now complained of are new repetitions.

It would not be becoming to add here an explanation of the specific measures to which this Government may be expected to resort for [288] the rescue of its commerce from* the depredations which it is suffering through the erroneous and unfriendly action of nations with which the United States are at peace. I may properly say, however, that if nations shall, in violation of our rights, suffer their ports to become bases for the operation of pirates against us, we shall adopt such remedies as the laws of self-defense allow. It is the earnest desire of the United States to remain at peace with all nations. We have sought, especially, to deserve the friendship of Brazil, and shall persevere in that friendly policy so long as the Emperor shall accord to us commercial and national rights, which are not less essential to Brazil and all the other American states than to ourselves.

The violations on our commercial and maritime rights by British subjects in British ports, to which you have alluded, still remain a subject of discussion with Her Majesty's government; and it is hoped that, although it is attended by much embarrassment, a satisfactory understanding will be attained.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

Mr. Seward to Mr. Webb.

[Extract.]

No. 71.]

DEPARTMENT OF STATE,
Washington, July 25, 1863.

SIR: Your dispatch of 7th June, No. 50, has been received. So much of it as relates to the case of the Nebo is approved.

While I see nothing to disapprove in that part of the dispatch which relates to the indulgencies extended in Brazilian ports to the piratical cruisers which have been engaged in devastating our national commerce, I reserve all authoritative direction upon the subject until a reasonable time shall have elapsed for obtaining the further answer to your note which has been promised by the Marquis d'Abrantes.

* * * * * * *

I am, &c.,
(Signed) WILLIAM H. SEWARD.

FURTHER DISPATCHES FROM THE BRAZILIAN GOVERNMENT.

The Marquis d'Abrantes to Mr. Webb.

[Translation.]

FOREIGN OFFICE,
Rio de Janeiro, June 22, 1863.

Reception of confederate cruisers in Brazilian waters.

The undersigned, member of His Majesty the Emperor's council, minister and secretary of state for foreign affairs, redeems the pledge which he gave to General James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States to this court, and has the honor to direct to him the present note, for the purpose of duly answering those of the 21st and 27th of last month, addressed to the undersigned by General Webb, in which he articulates sundry accusations against the presidents of the provinces of Bahia and Pernambuco, on account of the manner in which they received, and their conduct toward, sundry steamers of the Confederate States, which entered the ports of the said provinces, and there violated the neutrality which the empire imposed on itself in the struggle which unfortunately scourges the North American Union.

Having before me the information and explanations given by the presidents of the provinces mentioned, on the various topics of the notes of Mr. Webb, and taking for a basis the principles of neutrality which were declared in the circular of 1st August, 1861, the undersigned proceeds to examine, scrupulously, the foundation of the assertions contained in the said two notes.

The undersigned, however, deems it essential that a point on which there exists the greatest discrepancy between Mr. Webb and the imperial government should be preliminarily elucidated.

According to Mr. Webb—and from that idea his claims are principally derived—the imperial government ought to consider the vessels of the Confederate States as those of rebels, traitors, and pirates, justly incurring the hatred, and subject to the persecution of all civilized nations.

It is on this qualification that the imperial government absolutely cannot agree, because it is not grounded on the principles of international law, generally admitted, and because it runs counter to the instructions which were sent to the president of the *provinces, [289] in which it was expressly declared that such vessels should be considered and treated as belligerents.

Mr. Webb knows perfectly well that, in their neutral character, the imperial government were at liberty to assume, with all freedom, the position which they judged most fitting, under the circumstances, of the struggle in question.

In the exercise of this incontestable right, and regulating their conduct by that of all maritime powers, the imperial government recognized the Confederate States in the character of belligerents.

Whatever opinion respecting this resolution Mr. Webb may formerly have held, it can now no longer be maintained, seeing that, in his note of 1st November, 1861, addressed to this ministry, now under the charge of the undersigned, Mr. Webb expressed himself in the following terms:

> It is only after the United States, in the forthcoming winter months, shall have attempted, and not succeeded, in quelling the present rebellion, that Brazil, or any other friendly power, will be free, in a moral point of view, and in that of the universal law of what is just, and what unjust, to treat the rebels as belligerents, and in that way recognize their independence.

According to the principles of international law, in which Mr. Webb is well versed, it was at the option of the imperial government to grant or refuse shelter in their territories to the contending parties.

Forming the resolution of extending it to both, by their circular of 1st August, 1861, and the instructions forwarded by virtue of the same resolution, the imperial government established and regulated the practical mode of granting it.

They determined that no vessel under the flag of one of the belligerents should be victualed, equipped, or armed in the ports of the empire; the furnishing of provisions, and naval stores, indispensable for the continuation of the vessel's voyage, not being comprised in this prohibition.

And, moreover, determined that no vessel of war or privateer should be permitted to enter and remain with her prizes in the ports of the empire for more than twenty-four hours, save in distress; and that the disposal of the said prizes, or of the things belonging to them would, by no means, be permitted.

The question being placed on this footing, that is, that the vessels of the Confederate States would be considered belligerents, and it being remembered that the empire declared it would assume to itself the regulating principles of neutrality, the undersigned will enter into the examination and appreciation of the claims which form the subject of the notes that occupy his attention.

With respect to the president of Pernambuco, Mr. Webb articulates the following accusations:

> The pirate Florida was anchored in the port of Pernambuco, receiving there hospitality, taking in coal and provisions, and making the necessary repairs to enable her to continue her cruise.
>
> The president of Pernambuco knew that the Florida was the consort of the Alabama, which had violated the sovereignty and neutrality of Brazil. Consequently he knew that she was a pirate, and notwithstanding consented that she should remain in the port at first for twenty-four hours, and afterward for four days.
>
> Recognizing as belligerents the traitors who had rebelled against the United States, he judged, through liberality and humanity, that he ought to permit these pirates, by giving them aid, to continue their depredations against the commerce of a friendly nation.
>
> The sailors and passengers of the captured vessels, during more than a week, witnessed the sale of their clothes, jewels, and even family relics, for the tenth part of their value.
>
> International law does not distinguish between taking a part and the whole of a prize to a neutral port; and, therefore, the fact of the Florida taking people and property from a prize-vessel was the same as though she had taken the vessel herself there.
>
> Pernambuco finally became, as was observed by a distinguished merchant of that place, a market for the sale of goods seized by pirates on board American vessels almost within sight of the port.
>
> As to what occurred respecting the steamer Alabama in the waters of the province of Pernambuco, the undersigned does not think it necessary to take up Mr. Webb's attention, as Mr. Webb himself acknowledged, and states in his note, that the imperial government had, as far as circumstances permitted, promptly and fully complied with their duty.

But as to the Florida, the undersigned must begin by asking Mr. Webb's consent to observe, that if the president of Pernambuco [290] knew that that steamer was the consort *of the Alabama, as was also the Georgia, it does not follow, as Mr. Webb otherwise argues, that the said president should consider the Florida as a pirate.

According to the principles of the neutrality of the empire, to which the undersigned has already alluded, all these vessels of the Confederate States are vessels of war, exhibiting the flag, and bearing the commission of the said States, by which the imperial government recognized them in the character of belligerents.

If among such vessels any one of them violated the neutrality, on that one alone should the responsibility rest, it being unjust, if not absurd, to make all the others individually responsible for the violation, for such a proceeding on the part of the neutral would be equivalent to breaking the neutrality itself toward the State to which the vessel belonged, if thus made responsible for the acts which she had not committed.

There appears, therefore, to exist no plausible reason for accusing the president of Pernambuco on account of the manner in which he received and acted toward the Florida, either by reference to the principles of international law, or to the rules established by the circular of the 1st August, 1861.

Mr. Webb will permit the undersigned to observe to him, that even if the international law, as Mr. Webb pretends, does not distinguish between carrying a part or the whole of a prize to a neutral port, the objects captured, which may be brought in a belligerent vessel, cannot also be equivalent in value to the prizes themselves, which are the vessels captured.

Mr. Webb's clear judgment will not fail to see, that if such assimilation is admitted the right of shelter would become an illusion to almost all belligerent vessels, rendering them necessarily subject to visits of search, which would not induce a safe result, inasmuch as it would be impossible to prove what objects were captured, and to which would be added the circumstance that such visits are not practicable on board vessels of war.

Mr. Webb knows that the circular of the 1st August, 1861, established two hypotheses relative to prizes. The first being the entering and stay, for more than twenty-four hours, of vessels bringing prizes into port; the second, the disposal of prizes and of objects therefrom.

Now, if the Florida did not enter with prizes, but with objects coming from such, it follows that she could remain in port for more than twenty-four hours.

What could not be done was to dispose in any manner, or at any time, of the objects which she might bring, coming from prizes; and these the undersigned, according to official information which he possesses, can assure Mr. Webb the Florida did not dispose of, notwithstanding what a merchant at Pernambuco communicated to the contrary to Mr. Webb; for paramount to this communication exists the fact that neither the crews of the captured vessels nor the consul of the United States had made any complaint respecting the same, either written or verbal, to the president of the province.

By the extract inclosed from a dispatch of the said president, which the undersigned offers to Mr. Webb's consideration, what took place was this: that there was merely an attempt to disembark some insignificant objects brought from on board the Florida by lightermen, who, going to that vessel, had obtained them in exchange with the sailors for others, (taken there by the said boatmen.) Part of those same objects were seized by the customs as contraband goods, independent of any complaint made by the consul or the parties interested.

The undersigned will still further inform Mr. Webb that the president of Pernambuco, of his own accord, also ordered to be delivered to the said consul some other objects captured by the steamer Alabama, and which had been purchased by people on the island of Fernando de Noronha.

The undersigned believes and hopes that Mr. Webb will acknowledge that such conduct attests the good-will and solicitude with which that delegate of the imperial government endeavored to comply with the duty of maintaining the neutrality of the empire, respecting and doing all that he possibly could to cause to be respected the rights of all in the observance of the said neutrality.

Touching the persons made prisoners, the undersigned declines making any observations after Mr. Webb acknowledged that to hinder them from disembarking at the ports of the empire would be a real act of barbarity, which the enlightenment of the age would look on as repulsive.

As it appears to the undersigned that he has shown that the complaints of Mr. Webb respecting the president of the province of Pernambuco are not borne out, he will pass on to occupy himself with those that refer to the president of the province of Bahia.

[291] *They are summed up in the following propositions:

The pirates Alabama and Georgia arrived at the port of Bahia, the former on the 11th, and the latter on the 12th of May, and they were still there on the 20th.

The consul of the United States requested that, in view of the acts practiced by the Alabama, in the island of Fernando de Noronha, not only should any supplies be refused, but that the vessel should be captured and submitted to the action of the government, on account of the acts of piracy which she had committed within the limits of Brazilian jurisdiction.

The president of Bahia knew of the protest which that of Pernambuco had made against the commander of the Alabama, and likewise knew that the imperial government had proclaimed the Alabama as a violator of the sovereignty and neutrality of the empire.

Notwithstanding this, both the Alabama and her consort, the Georgia, were received in Bahia with hospitality and even friendship; they were permitted to repair damages, take in coal, victual, &c., during eight or nine days.

By preconcerted arrangement, the English bark Castor arrived at Bahia, almost simultaneously with the Alabama and the Georgia. Besides coal that the said bark conveyed, it was publicly observed that she carried there two guns of 125 pounds caliber, and other munitions of war; and notwithstanding the protest of the consul of the United States, that bark was permitted to go alongside the Georgia at night; it was merely intimated to her on the following day that she must move away, probably after she had effected her purpose.

Can any substantial argument be found to justify these acts of the Brazilian government other than that of hostility to the United States and the desire of witnessing the ruination of her commerce?

The Brazilian government did all in their power when they dismissed the commandant of Fernando de Noronha and ordered the pirate to move away from their waters, they having no means of capturing him.

But when the Alabama entered the port of Bahia the president ought to have ordered her capture.

And should the same pirate come into this port, it is certain that if the imperial government do not order her capture, the Government of the United States will be obliged to exact an indemnity for the losses, and also make the imperial government responsible for the continuation of the depredations which the said steamer may perpetrate.

The English lawyers, as well as the first statesmen of the House of Commons, decided that the equipping of these pirates in the ports of England, under a well-grounded suspicion of their being destined to make prizes among the commerce of a friendly nation, demanded from the Englsh government their forcible detention.

And if the simple suspicion obliged the English government to detain the Alabama, what is the duty of Brazil when the acts of piracy of this steamer are well known to the imperial government?

In entering into the appreciation of these propositions, the undersigned will begin by stating to Mr. Webb that the Georgia is in the same case as the Florida, and all that the undersigned has explained respecting the latter, as connected with Pernambuco, is entirely applicable to the former. It, therefore, only remains to speak of the Alabama. The undersigned, however, thinks it especially proper to remind Mr. Webb that any proceeding of the authorities of the empire, in relation to the vessels of the Confederate States, in consideration of the equality with which they ought to conduct themselves toward both belligerents, cannot fail to be equally applicable to the vessels of the Federal States, under pain of nullifying the neutrality.

This consideration will necessarily have an influence on the enlightened mind of Mr. Webb, whose sentiments of justice and impartiality will not permit him to pretend that the imperial government, after having recognized as belligerents the dissident States of the Union, should grant, after proclaiming their neutrality in the struggle, to one what they had denied to the other, save the acts of etiquette and courtesy which they derive from diplomatic relations, and which are only exchanged between constituted nations.

The president of Bahia doubtless had before him the just remark which my predecessor made to Mr. Webb in the note of the 9th of December, 1861, viz, "that the neutral who should imprison in his ports the vessels of one of the parties would prevent one of the belligerents from exercising his rights, he would therefore become from that circumstance an ally of, and co-operator with, the other belligerent, and would break up the neutrality."

[292] *When, therefore, the Alabama entered Bahia with all the charac-

teristics of a vessel of war, belonging to the Confederate States—although aware of the protest that the president of the province of Pernambuco had made against the commander of that vessel—the president of Bahia knew, notwithstanding that the said protest had not been accompanied by any act through which it might be made known, that the doings imputed to the ship had been legally investigated and verified; and as it appeared to him that the information laid before the president of Pernambuco had not been proved by the prisoners of the said vessel naturally interested in bringing on her embarrassments and difficulties, he considered that he ought to respect the favorable judicial presumption to which a ship has a right, which, by the circumstances in which she was placed, could claim the consideration due to vessels of war.

And the truth is, that the circumstances had not then been made clear and investigated, for in an official dispatch which, on the 12th of May, the president of Pernambuco addressed to the consul of the United States in reference to the acts of the Alabama, he added, "save the proof of their not having been accompanied by the circumstances in which they were referred to, and which, on the other side, had been contested."

And the truth is also that the investigation will continue till the 15th May; it could not, consequently, till that date, be affirmed that the circumstances had been legally investigated.

If the president of Pernambuco, impressed by what was said in the place itself, where the circumstances took place, in some measure anticipated by his action respecting the Alabama, the result of the inquiry which subsequently tallied with the preconceived opinion which he had formed, it would not for that reason be just to exact a like judgment from the president of Bahia, who could only be guided by the documents which he had before him.

Even the imperial government that otherwise did not delay in transmitting to Mr. Webb the communications which they had received from the president of Pernambuco, not having the formal proofs of the alleged facts which depended on the investigation to which they were about to proceed, did not then take any measure limiting themselves to taking steps against the repetition of such acts in case they were true; and reserving to themselves the action of sending fresh and more positive orders after collecting the particulars which they had demanded, and the circumstances referred to verified, which I have now done in terms that Mr. Webb will see in the circular, a copy of which I inclose.

It is not, therefore, true that the president of Bahia knew, when the Alabama went into that port, that the imperial government had proclaimed this vessel to have violated the sovereignty and neutrality of the Empire.

The undersigned believes that the exposition he has made will be sufficient to explain the proceeding of the president of Bahia when he placed the Alabama on the same footing as the Georgia, and that Mr. Webb will do justice to this delegate of the imperial government, and become convinced that he is incapable of allowing himself to be guided by any other sentiments than those of the consciousness of his duty.

Neutrals, as Mr. Webb knows perfectly well, cannot prevent belligerents from reciprocally coming to hostilities and injuring each other, as long as they do not violate the neutrality.

The only thing that behooves neutrals to do is to enforce respect for that neutrality. And the measures which they ought to take to prevent or repel any act of violation which is essentially their object, is to cause their own sovereignty to be respected, whence it necessarily results that the interests of the belligerents will be protected in their ports and territorial waters.

The imperial government guaranteed to the two parties of the United States the right of shelter in the terms stated in the circular of 1st August, 1861.

It is therefore clear that the vessel, like the Alabama, in violating the neutrality, and by that means losing that right, incurs the penalty which the imperial government may inflict on those who show disrespect to the sovereignty of the empire.

To these observations the undersigned begs Mr. Webb to consent to his adding, that the order for detaining the Alabama in the port of Liverpool was not issued only on a simple suspicion of injuring the American commerce, but chiefly from the very notable fact of her having been built and equipped in a neutral port.

As respects the bark Castor, the undersigned trusts that, in narrating the facts with all exactness as they occurred, Mr. Webb will also desist in this part from his complaints.

The said bark arrived in Bahia on the 15th May. Upon information
[293] given by the *United States consul that she brought
war-stores for the confederate steamers, the president immediately issued orders to the inspector of customs, to the chief of police, and to the commander-in-chief of the naval station, that the transshipment of any munitions from on boord the bark to the steamers Alabama and Georgia should be prevented.

On the 16th the inspector of customs communicated, in two official letters, to the president, that all preventive measures had been taken, and that the fiscal service had been performed with the greatest care and regularity.

On the 17th the consul of the United States denounced the trafficking of boats between the bark and the steamers, as it was also said that these boats had conveyed on board of the said steamers contraband-of-war stores.

Course pursued as to the Castor. No large guns found on board her.

In contrast to this unproved assertion the president transmitted to the consul the asseverations, which had been made officially by the competent authorities, denying the fact absolutely, and begged the said consul to state who the persons were, through whom he obtained the information, in order that he might proceed in form of law.

The consul pointed out no one, but requested that the consignees, the captain and crew of the bark, should be examined concerning the objects of which the cargo consisted.

The inquest which was made resulted in finding on board, besides the coals, one gun of 6 caliber, six muskets, and six swords.

The crew of the bark numbered thirty-five men, and some other circumstances bred the suspicion that the chief object of their putting in was to bring coal for the steamers of the Confederate States.

The bark Castor, or indeed any other vessel, could safely carry any objects, the landing of which would be lawful in Brazilian ports.

What concerned the authorities of the province of Bahia was only to prevent any object qualified as contraband of war from being discharged from on board of that bark into the belligerent steamers.

On this point the undersigned guarantees to Mr. Webb the fiscalization practiced on the Castor was very strict.

And, although coal is not considered contraband of war, the president of Bahia, taking into consideration the circumstances of suspecting that the bark had gone direct to that port by preconcerted agreement;

refused permission decisively to the commander of the Alabama, who had asked to be permitted to receive the coal from on board the bark; and it is, moreover, true that she left Bahía on the 26th with the same cargo she had brought, and that the consul of the United States himself, in an official letter dated 22d May, acknowledges that, although the attempt had been made, it had not succeeded in effecting the removal of the contraband war-stores, owing to the measures adopted by the government of the province.

The undersigned will conclude by declaring to Mr. Webb that the imperial government sincerely regret that the Alabama entered Bahia before the conclusion in Pernambuco of the proceedings which were commenced to investigate the acts imputed to the said steamer, which gave rise to the president of Bahia being unable to treat that vessel as a violator of the neutrality of the Empire; but he guarantees most categorically to Mr. Webb that from henceforth asylum shall be refused in the ports of Brazil to that or any other belligerent that may conduct themselves in a like manner.

The undersigned, &c.,
(Signed) MARQUIS D'ABRANTES.

(CIRCULAR.)

Fresh instructions to the presidents of provinces, regulating the neutrality of Brazil in the struggle of the United States of America.

[Translation.]

FOREIGN OFFICE, RIO DE JANEIRO,
June 23, 1863.

MOST ILLUSTRIOUS AND EXCELLENT SIR: Judging it necessary to amplify the circular of this ministry, dated 1st August, 1861, in which were established the regulating principles of the neutrality which the imperial government resolved on assuming in presence of the struggle of the United States of North America, as much to explain some of these principles as to indicate in general the cases in which the neutrality ought to be considered violated, and the way to make it effective, His Majesty the Emperor orders the following to be declared to your excellency for your knowledge, and for the purpose of the due execution thereof.

[294] *By the words "save in case of putting in through distress," mentioned in the circular referred to, it ought also to be understood—

Reception of confederate cruisers in Brazilian waters.

That the vessel shall not be obliged to go out of the port within the term of twenty-four hours, if she shall not have been enabled to effect the repairs indispensable for her exposure to the sea without danger of being lost;

If like danger should occur from bad weather;

If, finally, she should be pursued by the enemy.

In these hypotheses, it will be for the governor at the capital, and for the presidents in the provinces to decide, on view of the circumstances as to the time within which the vessel ought to go out.

Even if they do not bring in prizes, privateers shall not be permitted a stay of more than twenty-four hours in the ports of the empire, save in case of having put in through distress.

The prizes of which the circular of 1st August treats are the vessels captured by the belligerents, or by the privateers; so that the penalty imposed on those who bring in prizes is not applicable to those which may only have brought in objects taken from them; it is not, however, permitted in any case to dispose of the said objects, much less of the prizes.

In conformity with the above-cited circular, the belligerent ships can only receive in the ports of the empire such provisions and ship's stores as they are actually in need of, and make such repairs as are necessary for the continuation of the voyage.

The disposition presupposes that the vessel is bound for some port or other, and only on her voyage and through necessity put into a port of the empire.

The presupposition of the circular will not, however, be verified, if a vessel seeks the port repeatedly; or if, after taking in fresh provisions in one port, she should enter another immediately afterward under the same pretext, save in cases which are proved to have been through stress of weather.

The frequency, therefore, without a sufficiently justified motive, ought to authorize the suspicion that the vessel is not really on her voyage, but is cruising about on the seas in the neighborhood of the empire in order to capture enemies' ships.

The shelter and aid, which in such case is afforded to one of the belligerents, may be qualified as help or favor shown against the other, and, therefore, as breaking the declared neutrality.

It is consequently necessary that a ship which has once entered in one of our ports should no longer be received in the same port or in another, a short time after she may have received provisions and ship's stores, and have repaired, save in the case duly proved of "the act of God," unless after a reasonable time, which may lead one to believe that the vessel had already withdrawn from the coasts of the empire, and had returned to the same after having completed her destined voyage.

For such motives as those explained above, it shall not be permitted to belligerent vessels to receive stores in the ports of Brazil, which shall have come direct to them in vessels of any nation, for this would signify that belligerent vessels do not seek our ports on their passage, and from unforeseen necessity, but with the purpose of remaining in the proximity of the coasts of the empire, taking the necessary precaution beforehand, for that purpose, to furnish themselves with the means of continuing their enterprise.

The toleration of such an abuse would be equivalent to permitting the ports of the empire to serve as bases for operations for the belligerents.

The principles of the circular of 1st August, 1861, being thus explained, it is necessary that the faithful observance of the following conditions be exacted in the ports, bays, and anchorages of the empire:

1. The vessels of war admitted to an anchorage or port, must remain in the most perfect state of tranquillity, and in most perfect peace with all the vessels which may be lying there, even with those of war, or armed for war, belonging to their enemy.

2. They cannot increase their crews by engaging seamen of any nation whatsoever, their own countrymen included.

3. They cannot, in like manner, increase the number and the caliber of their artillery, nor by any means perfect the same, or purchase or ship portable arms and munitions of war.

4. They cannot place themselves in ambush, in the ports and anchor-

ages, or at the islands and capes of the territorial waters of the empire, to await vessels of the enemy which may go in or out; nor must they even seek information respecting those vessels which are expected to arrive at, or leave, the port; nor finally to set off after an enemy's vessel, seen or signaled.

5. They cannot go out immediately after a vessel belonging to [295] the nation of their *enemy, or to a neutral, shall have left. Being a steamer, or sailing-vessel, both the one that goes out and the one that remains, twenty-four hours must elapse between the departure of the one and that of the other. Should the vessel going out be a sailing-vessel, and the one remaining be a steamer, the latter cannot leave before seventy-two hours shall have expired.

6. During their stay in port the belligerents can neither employ force nor stratagem to retake prizes made from their countrymen, who may be in the same place of shelter; nor can they liberate prisoners of their nation.

7. They cannot, in a neutral port, either sell or receive ransom for the prizes taken from the enemy, before the validity of the prize be recognized by the proper tribunals.

Let it be understood that the infraction of each of these seven conditions will constitute so many cases of violation of the neutrality of the empire, subjecting the infractors to the penalties which are therein imposed.

And to render the neutrality effective, to restrain and repress the abuses which may be practiced, the following measures should be employed:

1. To verify, previous to the granting of shelter, the character of the vessel, and her antecedents in other ports of the empire, to be afterward enabled to grant or deny entrance and stay; to make the favor scarce, or double the vigilance.

2. To mark out the anchorage, where the vessels may be under the immediate eye of the police, far from suspicious places and circumstances.

3. To order, from the moment of their entry, and until their departure, the watching of the movement of the belligerents, and the verifying the harmlessness of the objects which they may embark.

4. To order the police not to consent to the disembarkation and sale of the objects which came from the prizes.

5. To hinder the making prizes within the territorial waters of the empire, employing force for this purpose if necessary; and if the prizes or objects coming therefrom, which have entered the ports of the empire, shall have been made within the said territorial waters, they ought to be collected by the competent authorities, to be restored to their legitimate owners, the sale of such objects being always considered null.

6. Not to admit in the ports of the empire the belligerents that may once have violated the neutrality.

7. To cause to retire immediately from the maritime territory of the empire, without furnishing them with any supplies whatever, the vessels which attempt to violate the neutrality.

8. Finally, to make use of force, or in default, or by the insufficiency of the same, to protest solemnly and energetically against the belligerent, who, being warned and intimated, does not desist from violating the neutrality of the empire; ordering the forts and vessels of war to fire on the belligerent who may attack his enemy in our territory, and on the armed vessel which may prepare to leave the port before the expiration of the time marked for the departure of the belligerent's adversary.

And because the steamer Alabama, of the Confederate States, manifestly violated the neutrality of the empire, by having infringed the dispositions of the circular of 1st August, 1861, making Rata Island the base of her operations—for to that place she carried prizes, and from thence proceeded to make others, which she ordered to be burnt, after having kept them there some days at the anchorage place of that island—His Majesty the Emperor orders that the said steamer be no more received in any port of the Empire.

The Alabama refused admission to Brazilian ports in future.

I renew, &c.,

(Signed) MARQUIS D'ABRANTES.

His Excellency ——— ———,
President of the Province of ———.

The Marquis d'Abrantes to Mr. Webb.

[Translation.]

FOREIGN OFFICE,
Rio de Janeiro, July 28, 1863.

The undersigned, member of His Majesty the Emperor's council, minister and secretary of state for foreign affairs, had the honor to receive the note of the 6th instant, addressed to him by Mr. James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States, and in which he still reverts to the manner in which the steamers Florida, Alabama, and Georgia were received in the ports of Pernambuco and Bahia.

[296] *In the first part of the said note Mr. Webb denies to Brazil the right of recognizing the Confederate States in the character of belligerents, and of assuming the position of a neutral in the present struggle, and declares that such conduct is contrary to the principles of international law, to the practice of civilized governments, and to the examples which history affords.

These questions were sufficiently discussed and explained in the notes that the imperial government had to address to Mr. Webb on the Sumter; nevertheless, in deference to the opinions of Mr. Webb, the undersigned accepts the discussion on the said questions, asking of him leave to refer, in the first place, to the writers best grounded in the subject of international right, in order the better to determine the manner of characterizing the struggle which is now going on in the United States, as well also as to the attitude which foreign powers may take in reference thereto.

Reception of confederate cruisers in Brazilian waters.

"Lorsqu'il se forme dans l'État," says Vattel, "un parti qui n'obéit plus au souverain, et se trouve assez fort pour lui faire tête; ou dans une république, quand la nation se divise en deux factions opposées, et que de part et d'autre on en vient aux armes, c'est une guerre civile. Or, la guerre civile brise les liens de la société et du gouvernement; elle fait naître dans une nation deux partis indépendants; personne n'a le droit de les juger; les lois communes de la guerre doivent être observées à l'égard des deux partis." ("Droit des gens," liv. iii, chap. xviii, secs. 290–295.)

This doctrine is maintained by sundry writers of the first note, cited by Wheaton, who concludes in the following manner:

> The general usage of nations regards such a war as entitling both the contending parties to all the rights of war as against each other, and even as respects neutral nations. ("Elements of International Law," part 2, chap. 1, sec. 7.)

> Until the revolution is consummated, while the civil war involving a contest for the government continues, other States may remain indifferent spectators of the controversy, still continuing to treat the ancient government as sovereign, and the government *de facto* as a society entitled to the rights of war against its enemy; or may espouse the cause of the party which they believe to have justice on its side. In the first case, the foreign State fulfills all its obligations under the law of nations, and neither party has any right to complain, provided it maintain an impartial neutrality; in the latter, it becomes, of course, the enemy of the party against whom it declares itself, and the ally of the other; and as the positive law of nations makes no distinction in this respect between a just and an unjust war, the intervening State becomes entitled to all the rights of war against the opposite party. If the foreign State professes neutrality it is bound to allow impartiality to both belligerent parties, the free exercise of those rights which war gives to public enemies against each other. (Wheaton's "Elements of International Law," part 1, chap. 2, sec. 7.)

Hautefeuille agrees entirely with the opinion cited:

> Les peuples étrangers qui veulent rester neutres entre le souverain légitime et les sujets révoltés doivent tenir la même conduite que dans les guerres ordinaires. En effet ils ne peuvent intervenir entre les belligérants; la qualité de sujets revoltés que l'un des deux donne à l'autre doit être ecartée par eux; ils ne sont et ne peuvent être juges de la justice ou de l'injustice de la guerre. Les nations qui veulent rester neutres doivent accepter la position de fait; si elles veulenté tre respectées par les deux partis, elles doivent les reconnaître et les respecter également tous les deux. ("Devoirs des Neutres," titre iv, chap. 1, p. 267: 1858.)

I think that, with the foregoing quotations, the observations of Mr. Webb, relative to the principles of international law, are answered. As to historical proofs, and the practice followed by civilized governments, it is not necessary to have recourse to remote epochs, which, otherwise, offer numerous and notable precedents of this order, to meet the application of the principles maintained by the writers.

And they owe their political existence to Greece and Belgium in Europe, and to all the States of America, including Brazil and the United States themselves.

When the present struggle commenced, not only England and France, but also all the other maritime powers recognized the secession States in the character of belligerents, and assumed the part of neutrals.

Brazil adopted the same course, not for the sake of following the example of the other powers, but because this was the only attitude which she could assume in the disastrous conflict which arose to tear asunder the great Republic. Brazil accepting the position, *de facto*, of the Confederate States, granted to them the rights of war; but this concession does not mean a recognition of those States as a sovereign and independent nation. "Les nations étrangéres," says Martens, "ne peuvent refuser de traiter d'ennemis légitimes, ceux qui sont [297] autorisés par leur gouvernement actuel, quel qu'il soit; * ce n'est pas reconnaître la légitimité." ("Précis du Droit des Gens," liv. viii, chap. 4, sec. 264.)

Founded on the principles of international law, and on the practice of all civilized countries, the imperial government came to the determination that in all that related to war they ought to treat the two contending parties with equality; but only treated and will continue to treat, as sovereign the old Government of the United States; but beyond this equality, which their position of neutrals necessarily imposes on them, they have neither had, nor have they now, any relations with the Secession States.

It seems therefore that, in whatever light the deliberation come to by the imperial government may be viewed, no censure can be applied to them; besides which, they alone were judges of the position which it behooved them to take in the struggle in question. "Cette option pour la conservation de la paix est un acte de la libre volonté d'un peuple, de l'indépendance constitutive des sociétés humaines; elle n'a nul besoin, par conséquent, d'être reconnue, sanctionnée par les puissances belligérentes." (Hautefeuille, titre iv, chap. 1, sect. 4, page 225: 1858.) And even less does it become the Government of the United States to complain of Brazil for having recognized the Secession States in the character of belligerents, when this recognition was derived from their (the United States) own declarations.

As the undersigned has already said in his note of 22d June last, Mr. Webb, among other observations which he made in his dispatch of 1st November, 1861, did not omit mentioning, that "after the United States, in the forthcoming winter months, shall have attempted, and not succeeded in quelling the present rebellion, Brazil, or any other friendly power, will be at liberty, in a moral point of view, and in that of the universal law of the just and unjust, to treat the rebels as belligerents."

The whole world knows of the gigantic battles which are being fought, since more than two years, between two partisan States, into which the United States are divided, and in these battles the armies of the North had always to struggle against armies disciplined, and sufficiently strong to dispute with them up to the present moment a decisive and final victory.

Although the Government of the United States may not wish to admit formally that their adversaries are belligerents, which otherwise can be understood, this fact, however, does not cease to exist as visibly as the light of the sun; and the natural force of things impels the Government itself to acknowledge, now and then, its palpable reality.

In the sentences of the tribunals of New York, which condemned the English vessels Tropic Wind, and Hiawatha, it is stated "that the present war constitutes a situation in every way analogous to a foreign war."

In the official letter addressed on the 9th April, 1862, by General Grant to General Beauregard, immediately after the battle of Pittsburgh Landing, the Federal chief gives to his adversary the title of commander of the confederate army.

In the proclamation of the 10th of the same month and year, signed by the President himself of the United States, and countersigned by the Secretary of State, the struggle which is going on in these States is qualified as civil war. And that which actually now exists in the United States is indeed a civil war, and the most serious of all those which history records.

No one can deny it, nor, consequently, can the right of recognition of the Secessionist States in the character of belligerents, and of the assumption for themselves of the position of neutrals by foreign nations, be disputed. This character being once acknowledged, it follows that the vessels that carry the Secession States flag, that is, commissioned by the respective governments, and which are ruled by military discipline, cannot be styled pirates, as Mr. Webb pretends. They are vessels belonging to one of the belligerents, and, consequently, whatsoever qualification may be given to them by their adversaries, the neutral powers cannot fail to consider them as vessels of war.

The imperial government does nothing more than make use of their right in establishing in their ports the rules of neutrality which they judged most useful to the interests of their subjects. "Le souverain d'un port neutre a le droit à accorder asyle aux vaisseaux de toutes les nations, même belligérantes, et celui de mettre à cet asyle toutes les conditions, toutes les restrictions qu'il juge utiles au bien de ses sujets." (Hautefeuille, tit. vi, chap. 2, page 349.)

In the circular of the 1st August, 1861, the imperial government established rules which were equal for both the belligerents, their intention being to reserve only for the vessels of the Northern States the honors and attentions due to a sovereign government.

That circular, however, neither did nor could take from the imperial government the right of amplifying or modifying the rules therein laid down, or the direction of the phases which might be successively
[298] developed during the struggle, provided that a like *impartiality
was maintained in relation to both belligerents. Let it be distinctly understood that such reforms not having a retroactive effect, no one can exact their application to circumstances anterior to their promulgation.

When the occurrences took place with the steamers Alabama, Georgia, and Florida, in the ports of Pernambuco and Bahia, the circular of the 1st of August, 1861, was alone valid. In view of these occurrences, the imperial government judged it proper to send fresh instructions, in conformity with the circular of 23d June last, applicable only from the date on which they were published.

The bases being thus fixed, the undersigned will pass on to examine again the circumstances which took place in Pernambuco and Bahia, setting right some inaccuracies which had escaped Mr. Webb through inadvertence.

The undersigned, respecting, as he ought, the opinions of Mr. Webb, begs nevertheless to be allowed to differ from them, and to offer the reasons on which he founds his opinion.

Mr. Webb contends that the protest made by the president of Pernambuco against the Alabama ought also to attach to the Florida and Georgia, and bases his argument on this, "that if the commander-in-chief of a squadron violates the neutrality or sovereignty of a country, the consequences of this violation ought to fall, not only on the chief ship, but also upon all the others that carry the same flag, and that form the squadron."

The undersigned still continues to think that the penalty could only be inflicted on the vessel that committed the violation.

If all vessels that bore the same flag were sufferers of the same penalty, all vessels of the Secession States would be at once excluded from the ports of the empire; this, on the part of Brazil, would be an act of manifest hostility against those States.

On the other hand, the steamers Florida and Georgia did not accompany the Alabama in the acts practiced by this steamer in the island of Fernando de Noronha; and, even if the pretension of Mr. Webb were admissible, the proof would be wanting of the principal fact, that is, that the three steamers referred to formed one and the same squadron, commanded by Captain Semmes. It appears, on the contrary, that in the commission signed by the president of the Secession States, that captain is simply designated as the commander of the Alabama.

The argument, therefore, of Mr. Webb, concerning the unity of action which he aimed at establishing between those steamers, not availing, and having, moreover, been made aware that, respecting the Alabama, the conduct of the president of Pernambuco had been completely satisfactory, it only remains to speak once more of the occurrences at Bahia.

Mr. Webb says that, in the proclamation against the Alabama, the president had ordered that the steamer should not be again received in any port of the empire; and all Brazilian subjects were warned that they were not to have any intercourse with the Alabama, neither were they to furnish her with provisions of any kind whatsoever.

That in spite of the knowledge which he had of this complaint, and of the representations which, on this account, were addressed by the consul of the United States, when the Alabama entered the port of Bahia, the president of that province permitted the steamer to remain in that port for fourteen days, during which the most friendly demonstrations were heaped upon her.

That the undersigned, having aimed at justifying the conduct of the president of Bahia, alleging that the proclamation of the president was not accompanied by proofs which might corroborate such a justification, is not only contrary to all notions of right, but also of good sense, and reveals sentiments little friendly to the United States.

The undersigned is bound to rectify the manner in which Mr. Webb relates these facts. In the first place, the act of the president of Pernambuco was not, as Mr. Webb says, a proclamation in which he ordered that the said steamer should no longer be received in any port of the empire, and warned all Brazilian subjects that they were not to hold any intercourse with the Alabama, nor were they to furnish her with any provisions whatever. Such an order could only be issued by the imperial government.

That act was nothing more than a protest addressed to the commander of the Alabama, in which he intimated to him, merely, that he was to withdraw, within twenty-four hours, from the waters of Fernando de Noronha.

Naturally, when the Alabama appeared in Bahia, the president had to take some steps, not by virtue of the protest referred to, but in consequence thereof. He was, however, constrained by the following motives.

In the official letter of the 12th May, addressed by the president of Pernambuco to the consul of the United States, the former stated [299] that the acts imputed to the Alabama *had not yet been proved.

The undersigned did not say, that to have due effect, the protest of the president of Pernambuco ought to be accompanied by proofs.

He cited the official letter referred to, signed by the authority himself who had issued the protest, in which (official letter) he stated that the acts of which this document treated have not been proved. It can be conceived that such a declaration would neutralize, in the mind of the president of Bahia, the impression which had been made on it by the protest.

The question for the president of Pernambuco was to cause the cessation of an evil, the suppression of which admitted of no delay.

Although the said president had not yet obtained legal proofs of their acts, the denouncing by the commandant of the convict stations, and the extra-judicial allegations of the prisoners made by the Alabama, were sufficient to convince him of the necessity of prompt measures.

And even though no proof whatever against this steamer would have resulted from the proceedings about to be instituted, the inconvenience of the retirement of the Alabama from the waters of Fernando de Noronha was incomparably less, in this case, than that of letting her cruise in the territorial waters of the empire, if indeed the proofs were such as to confirm the denouncement.

That was not the case with the president of Bahia. It was not reserved for him to repress a flagrant delict; in that respect his colleague of Pernambuco had already taken necessary measures, but to inflict a penalty on the Alabama for the crime which she had committed before that time. Now the president could not judge save by the documents which were before him, and these documents emanating from one and the same authority were contradictory.

And, besides this contradiction, what was the penalty the president of Bahia could inflict on the Alabama, if, according to the circular of the 1st August, the only one by which he ought to be guided, nothing was laid down therein respecting it? He was compelled, therefore, to ask for instructions from the imperial government.

Respecting the bark Castor, the circumstances happened exactly in the manner in which they were related in the note of this ministry of 22d June last, from the moment in which the president of Bahia received the denunciation from the consul of the United States.

The undersigned ought to add that, having received, subsequently, the information which he had required from the said president, it appears that, effectually, the captain of the bark Castor, before the consul had presented his denunciation, had asked and obtained leave to unload on board of the Georgia 300 tons of coal; but had barely put 80 tons of this material on board the steamer, when the said denunciation caused the president to order the further shipment to be stopped, and the Castor to sheer off from the Georgia.

This addition to the exposition made in the note of 22d June in no way alters his conclusions, for they always leave the fact maintained, that as soon as the consul of the United States denounced the suspicious circumstances which existed against the Castor, all communication ceased between the English bark and the steamers of the Secession States.

In view of these events, the imperial government hastened to expedite the instructions of the 23d June, last past, and by these they consider that they have taken such measures as will prevent any fresh disagreeable emergencies. The Alabama shall no more be admitted in any port of the empire. She would have suffered the same exclusion from Bahia if she had not presented herself at that port even before proof of her culpability could be obtained, and before the imperial government, surprised by such audacity, could have been enabled to take measures concerning the penalty, which in such a case ought to be applied.

The imperial government is sorry that these occurrences should have taken place in Bahia, but trusts that Mr. Webb, on this frank and loyal explanation, will cease to attribute it to the ill-will of the said government, and to that of their delegate. They likewise trust that he will see in the instructions of the 23d June an evident proof of their sincere desire to do all that depends on them, in their position of neutrals, to prevent future misunderstandings.

The imperial government neither have, nor can have, motives of hostility towards the United States, and never practiced any act which might be construed into such intentions. They deplore the evils of war which is tearing in pieces a conterraneous soil, lately so happy and prosperous, with whom they have always maintained relations of the most perfect friendship, and of great reciprocal interest. They deplore that that country's immense resources should now be employed in a [300] fratricidal war, which cannot but *retard their wonderful and rapid progress. They deplore, also, that some of the belligerents avail of the extent of the coasts of Brazil to abuse the same by practicing acts offensive to her sovereignty; but neither her own dignity nor her interest in maintaining herself within the limits of the strictest neutrality can authorize the idea that she co-operates in such acts.

In the position of a neutral, in which circumstances obliged her to place herself, the only wish permitted to Brazil, and that which she forms with the liveliest and most sincere spontaneity, is, that a struggle so fatal, not only to the great Republic, but to Brazil also, and to all the nations of the world, may cease as soon as possible.

The intentions and acts of the imperial government were, and shall always continue to be, ruled by these sentiments of justice, humanity, and benevolence.

I renew, &c.,

(Signed) MARQUIS D'ABRANTES.

No. 10.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 29, 1863. (Received September 30.)

At the Cape of Good Hope. Representation by Mr. Adams.

MY LORD: I have the honor to transmit a copy of a letter received by me from Mr. Walter Graham, consul of the United States at Cape Town, in relation to certain occurrences at that place connected with the armed vessel called the Alabama.

Without intending to sustain all the allegations therein contained, I cannot but consider that a sufficient basis of fact exists to support his remonstrance against the recognition of the captures of vessels which appears to have been, at least partially, made by the authorities at Cape Town.

In the absence of special instructions on the subject, I take the liberty simply to present the papers for your lordship's consideration, not doubting the disposition of Her Majesty's government to do full justice in the premises.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 10.]

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, August 17, 1863.

Report of United States consul.

SIR: The confederate steamer Alabama arrived on this coast on the 27th day of July, having captured six American vessels from the time she left Bahia, Brazil, viz: the Amazonian, Talisman, Conrad, S. Gildersleve, Anna F. Schmidt, and Express.

Arrival of Alabama, July 28, 1863.

On the same day that she arrived on this coast she spoke a small British schooner named the Rover, which reported her next day at this port (July 28.) She was afterwards seen by other vessels on the morning of the 28th but no intelligence was received here that she had entered any of the ports or bays of this colony until Tuesday, the 4th of August, when the British schooner Atlas reported that she had entered Saldanha Bay on the 28th, and was still there, her crew being engaged in painting her.

Captain Boyce, of the Atlas, said he was requested by Captain Semmes to take some prisoners to me at Cape Town, but he declined to do so.

On hearing this intelligence I wrote the following letter to the governor, which I carried in person, to request an interview on the subject to which it treated:

"UNITED STATES CONSULATE,
"*Cape Town, August* 4, 1863.

"SIR: From reliable information received by me, and which you are also doubtless in possession of, a war-steamer called the Alabama is now in Saldanha Bay being painted, discharging prisoners of war, &c.

Correspondence between United States consul and Governor Sir P. Wodehouse.

"The vessel in question was built in England to prey upon the commerce of the United States of America, and escaped therefrom while on her trial-trip, forfeiting bonds of £20,000, which the British government exacted under the foreign-enlistment act.

[301] *"Now, as your government has a treaty of amity and commerce with the United States, and has not recognized the persons in revolt against the United States as a government at all, the vessel alluded should be at once seized and sent to England, from whence she clandestinely escaped. Assuming that the British government was sincere in exacting the bonds, you have doubtless been instructed to send her home to England, where she belongs. But if, from some oversight, you have not received such instructions, and you decline the responsibility of making the seizure, I would most respectfully protest against the vessel remaining in any port of the colony another day. She has been at Saldanha Bay four [six] days already, and a week previously on the coast, and has forfeited all right to remain an hour longer by this breach of neutrality. Painting a ship does not come under the head of 'necessary repairs,' and is no proof that she is unseaworthy; and to allow her to visit other ports after she has set the Queen's proclamation of neutrality at defiance would not be regarded as in accordance with the spirit and purpose of that document.

"Yours, &c.,
(Signed) "WALTER GRAHAM,
"*United States Consul.*

"His Excellency Sir PHILIP E. WODEHOUSE."

Not finding the governor at home, I left the above letter. Next morning, the 5th of August, I received the following:

"COLONIAL OFFICE, *August* 5, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, relative to the Alabama.

"His excellency has no instructions, neither has he any authority, to seize or detain that vessel; and he desires me to acquaint you that he has received a letter from the commander, dated the 1st instant, stating that repairs were in progress, and as soon as they were completed he intended to go to sea. He further announces his intention of respecting strictly the neutrality of the British government.

"The course which Captain Semmes here proposes to take is, in the governor's opinion, in conformity with the instructions he has himself received relative to ships of war and privateers belonging to the United States and the States calling themselves the Confederate States of America visiting British ports.

"The reports received from Saldanha Bay induce the governor to believe that the vessel will leave that harbor as soon as her repairs are completed; but he will, immediately on receiving intelligence to the contrary, take the necessary steps for enforcing the observance of the rules laid down by Her Majesty's government.

"I have, &c.,
(Signed) "L. ADAMSON,
"*For the Colonial Secretary.*"

About 2 o'clock p. m. on the same day (August 5) it was reported from the signal-station of the harbor that the steamer Alabama was standing in, and also an American bark; and shortly after it was signaled that the steamer was standing towards the bark. On hearing this I at once took a cab and proceeded in the direction of Green Point, about two miles from my office, where I witnessed the capture of the bark Sea Bride by the Alabama. I immediately proceeded to the governor's house and told him what I had seen, protesting at the same time against the capture, because it was permitted in British waters.

Capture of Sea Bride.

His excellency remarked that the question of infringement of neutral rights would be purely dependent on testimony; but he assured me that in any event no breach of neutrality would be permitted, so far as he could prevent it. He concluded the interview by stating that he would immediately telegraph the admiral of the station at Simon's Bay to send a war-vessel round to this harbor (Table Bay) to enforce a strict neutrality, and requested me to put my protest in writing.

At 3 o'clock I returned to my office, and at 4 o'clock I dispatched the following letter:

"UNITED STATES CONSULATE,
"*Cape Town, August* 5, 1863.

"SIR: The confederate steamer Alabama has just captured an American bark off Green Point, or about four miles from the nearest land, (Robben Island.) I witnessed the capture with my own eyes, as did hundreds of others at the same time. This occurrence at the entrance of Table Bay, and clearly in British waters, is an insult to England, and a grievous injury to a friendly power, the United States.

[302] *"Towards the Government of my country and her domestic enemies the government of England assumes a position of neutrality, and if the neutrality can be infringed with impunity, in this bold and daring manner, the Government of the United States will no doubt consider the matter as one requiring immediate explanation.

"Believing that the occurrence was without your knowledge or expectation, and hoping you will take such steps to redress the outrage as the exigency requires, I am, &c.,

(Signed) "WALTER GRAHAM,
"*United States Consul.*

"His Excellency Sir PHILIP E. WODEHOUSE."

About 5 o'clock his excellency sent for me to the custom-house, and informed me that Captain Semmes desired to land some prisoners, and that he, the governor, would grant permission provided I would agree to support them. This I consented to do, and the governor then acknowledged the receipt of my letter and repeated his assurances that no breach of neutrality would be permitted.

Next morning (Thursday, August 6) I received the following:

"COLONIAL OFFICE, *August* 6, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date respecting the capture of the Sea Bride by the Alabama, and to acquaint you that he will lose no time in obtaining accurate information as to the circumstances of the capture.

"I have, &c.,
(Signed) "RAWSON W. RAWSON,
"*Colonial Secretary.*"

About the same time this letter was received all the prisoners were landed, fifteen of whom were the crew of the Anna F. Schmidt, fifteen of the Express, and twelve of the Sea Bride.

On the afternoon of the same day I dispatched the following:

"UNITED STATES CONSULATE,
"*Cape Town, August* 6, 1863.

"SIR: I have the honor to acknowledge the receipt of your dispatch of this date.

"I beg now to inclose, for your excellency's perusal, the affidavit of Captain Charles F. White, of the Sea Bride, protesting against the capture of the said bark in British waters. The bearings taken by him at the time of capture conclusively show that she was in neutral waters, being about two and a half miles from Robben Island. This statement is doubtless more satisfactory than the testimony of persons who measured the distance by the eye.

"I believe there is no law defining the word 'coast' other than international law. That law has always limited neutral waters to the fighting distance from land, which, upon the invention of gunpowder, was extended to a distance of three nautical miles from land on a straight coast, and by the same rule, since the invention of Armstrong rifled cannon, to at least six miles.

"But all waters inclosed by a line drawn between two promontories or headlands are recognized by all nations as neutral, and England was the first that adopted the rule, calling such waters the 'King's Chambers.' By referring to 'Wheaton's Digest,' page 234, or any other good work on international law, you will find the above rules laid down and elucidated.

"The fact that the prize has not already been burned, and that her fate is still in suspense, is clear proof that Captain Semmes had misgivings as to the legality of the capture, and awaits your excellency's assent. If you decide that the prize was legally taken, you will assume a responsibility which Captain Semmes himself declined to take.

"I have, &c.,
(Signed) "WALTER GRAHAM,
"*United States Consul.*"

"UNITED STATES CONSULATE,
"*Cape Town, August* 6, 1863.

"On this 6th day of August, A. D. 1863, personally appeared before me, Walter Graham, consul of the United States at Cape Town, Charles F. White, master of the bark Sea Bride, of Boston, from New York, and declared on affidavit that, on the

3d day of August instant he sighted Table Mountain and made for Table Bay, but that on the 4th instant, night coming on, he was compelled to stand out. On the 5th instant he again made for the anchorage, and about 2 p. m. saw a steamer standing towards the bark, which he supposed was the English mail-steamer, but on nearing her he found her to be the confederate steamer Alabama. He, Captain White, was peremptorily ordered to heave his vessel to as a prize to the Alabama. One gun [303] was first fired, and *immediately after the demand was made another gun was fired. Two boats were lowered from the Alabama and sent on board the bark. The officer in charge of these boats demanded the ship's papers, which the said master was compelled to take on board the said steamer. This happened about a quarter before 3 o'clock. He and his crew were immediately taken from his vessel and placed as prisoners on board the Alabama, the officers and crew being put in irons. The position of the bark at the time of capture was as follows: Green Point light-house bearing south by east; Robben Island light-house, northeast.

"The said appearer did further protest against the illegal capture of said vessel, as she was in British waters at the time of capture, according to bearings.

"Thus done and protested before me, the said consul, the day, month, and year above written.

(Signed) "WALTER GRAHAM,
"*United States Consul.*
"CHARLES F. WHITE,
"*Master Sea Bride.*"

Next morning (August 7) I received the following:

"COLONIAL OFFICE, *August* 7, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, inclosing an affidavit made by the master of the Sea Bride, and to acquaint you that an inquiry into them is now in progress.

"I have, &c.,
(Signed) "RAWSON W. RAWSON,
"*Colonial Secretary.*"

On the same day I sent the governor the following:

"UNITED STATES CONSULATE,
"*Cape Town, August* 7, 1863.

"SIR: Understanding from your letter of this date, received this morning, that the case of the Sea Bride is still pending, I inclose the affidavits of the first officer of that vessel and the cook and steward, which I hope will throw additional light on the subject.

"From the affidavit of the first officer it appears that the alleged prize was brought within one and a half miles of Green Point light-house yesterday, at 1 o'clock p. m. Now, as the vessel was at that time in charge of a prize crew, it was a violation of neutrality as much as if the capture had been made at the same distance from land.

"Pending your decision of the case I would most respectfully suggest that the prize crew on board the Sea Bride be removed, and that the vessel be put in charge of a crew from Her Majesty's ship Valorous.

(Signed) "WALTER GRAHAM,
"*United States Consul.*

"His Excellency Sir PHILIP E. WODEHOUSE."

The inclosures of the above letter gave the bearings of the ship at the time mentioned, which were as follows: Robben Island light-house, northeast by north ½ north; Green Point light-house, southwest ½ west.

The steward also testified that orders were given to burn the Sea Bride at 2 o'clock a. m., on the 6th, which were afterwards countermanded when all was ready.

On Friday I learned, unofficially, that testimony had been taken that day before a clerk of the peace in Cape Town, in relation to the capture of the Sea Bride, and that the testimony consisted of statements as to the distance from land, estimated by persons on land at the time of the capture, and that the testimony of Captain White and others of the Sea Bride, and of the Alabama, was thrown out or not taken.

On Saturday, at 4 o'clock p. m., I received the following:

"COLONIAL OFFICE, *August* 8, 1863.

Sea Bride not captured in British waters.

"SIR: With reference to the correspondence that has passed relative to the capture by the Confederate States steamer Alabama of the bark Sea Bride, I am directed by the governor to acquaint you that, on the best information he has been able to procure, he has come to the conclusion that the capture cannot be held to be illegal, or in violation of the neutrality of the British government, by reason of the distance from land at which it took place.

"His excellency will, by next mail, make a full report of the case to Her Majesty's government.

"I have, &c.,
(Signed) "RAWSON W. RAWSON,
"*Colonial Secretary.*"

[304] *On Monday morning I dispatched the following:

"UNITED STATES CONSULAR OFFICE,
"*Cape Town, August* 10, 1863.

"SIR: Your decision in the case of the Sea Bride was duly received at 4 o'clock p. m. on Saturday. In communicating that decision you simply announce that the vessel was, in your opinion, and according to evidence before you, a legal prize to the Alabama; but you omit to state the principle of international law that governed your decision, and neglect to furnish me with the evidence relied upon by you.

"Under these circumstances I can neither have the evidence verified nor rebutted here, nor am I enabled to transmit it as it stands to the American minister at London, nor to the United States Government at Washington. An invitation to be present when the *ex parte* testimony was taken was not extended to me, and I am, therefore, ignorant of the tenor of it, and cannot distinguish the portion thrown out from that which was accepted. If your decision is that the neutral waters of this colony only extend a distance of three miles from land, the character of that decision would have been aptly illustrated to the people of Cape Town had an American war-vessel appeared on the scene, and engaged the Alabama in battle. In such a contest with cannon carrying a distance of six miles (three over land) the crashing buildings in Cape Town would have been an excellent commentary on your decision.

"But the decision has been made and cannot be revoked here, so that further comment at present is therefore unnecessary. It can only be reversed by the government you represent, which it probably will be when the United States Government shall claim indemnity for the owners of the Sea Bride.

Arrival of Tuscaloosa, August 8.

"An armed vessel named the Tuscaloosa, claiming to act under the authority of the so-called Confederate States, entered Simon's Bay on Saturday the 8th instant. That vessel was formerly owned by citizens of the United States, and while engaged in lawful commerce was captured as a prize by the Alabama. She was subsequently fitted out with arms by the Alabama to prey upon the commerce of the United States, and now, without having been condemned as a prize by any admiralty court of any recognized government, she is permitted to enter a neutral port in violation of the Queen's proclamation, with her original cargo on board. Against this proceeding I hereby most emphatically protest, and I claim that the vessel ought to be given up to her lawful owners. The capture of the Sea Bride in neutral waters, together with the case of the Tuscaloosa, also a prize, constitute the latest and best illustration of British neutrality that has yet been given.

Consul's protest. Claim that the vessel should be given up.

"I have, &c.,
(Signed) "WALTER GRAHAM,
"*United States Consul.*

"His Excellency Sir PHILIP E. WODEHOUSE."

On the same day I received the following:

"COLONIAL OFFICE, *August* 10, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, and to state, with reference to that part of it which relates to the Tuscaloosa, that his excellency is still in correspondence with the commander-in-chief respecting the character of that vessel, and the privileges to which she is entitled.

"I have, &c.,
(Signed) "RAWSON W. RAWSON,
"*Colonial Secretary.*"

I did not reply to the foregoing until Wednesday the 12th instant, when I sent the following:

"UNITED STATES CONSULATE,
"*Cape Town, August* 12, 1863.

"SIR: Upon receiving your last communication to me, dated the 10th instant, I deemed it simply a report of progress on one subject treated of in my last letter to your excellency, and I have, therefore, waited anxiously for the receipt of another letter from the colonial secretary, communicating the final result in that case. Failing to receive it, and hearing yesterday p. m. that the Tuscaloosa would proceed to sea from Simon's Bay to-day, I applied for an injunction from the supreme court to prevent the vessel sailing before I had an opportunity of showing, by witnesses, that she is owned in Philadelphia, in the United States; that her true name is Conrad; that she has never been condemned as a prize by any legally constituted admiralty court; and that I am *ex officio* the legal agent of the owners, underwriters, and all others concerned. I have not yet learned the result of that application, and fearing that delay may allow her to escape, I would respectfully urge you to detain her in port until the proper legal steps can be taken.

Legal proceedings taken by the consul for obtaining possession of the Tuscaloosa as being the American vessel Conrad.

[305] * "I am well aware that your government has conceded to the so-called Confederate States the rights of belligerents, and is thereby bound to respect Captain Semmes's commission; but having refused to recognize the confederacy as a nation, and having excluded his captures from all the ports of the British empire, the captures necessarily revert to their real owners, and are forfeited by Captain Semmes as soon as they enter a British port.

"Hoping to receive an answer to this and the preceding letter as early as possible, and that you will not construe my persistent course throughout this correspondence on neutral rights as importunate, or any remarks as inopportune, I have, &c.,

(Signed) "WALTER GRAHAM,
"*United States Consul.*"

Late on the same day I received the following:

"COLONIAL OFFICE, *August* 12, 1863.

"SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, and to acquaint you that it was not until late last evening that his excellency received from the naval commander-in-chief information that the condition of the Tuscaloosa was such as, as his excellency is advised, to entitle her to be regarded as a vessel of war.

Tuscaloosa considered to be a ship of war.

"The governor is not aware, nor do you refer him to the provisions of international law by which captured vessels, as soon as they enter our neutral ports, revert to their real owners, and are forfeited by their captors. But his excellency believes that the claims of contending parties to vessels captured can only be determined in the first instance by the courts of the captor's country.

"The governor desires me to add that he cannot offer any objection to the tenor of the correspondence which you have addressed to him on this subject, and that he is very sensible of the courtesy you have exhibited under such very peculiar circumstances. He gives you credit for acting on a strict sense of duty to your country.

"I have, &c.,

(Signed) "RAWSON W. RAWSON,
"*Colonial Secretary.*"

On the 17th instant, (Monday,) I wrote the following letter:

"UNITED STATES CONSULATE,
"*Cape Town, August* 17, 1863.

"SIR: I have delayed acknowledging the receipt of your last letter, dated the 12th August, on account of events transpiring, but which have not yet culminated so as to form the subject of correspondence.

"Your decision that the Tuscaloosa is a 'vessel of war,' and by inference not a prize, astonishes me, because I do not see the necessary incompatibility. Four guns were taken from on board the Talisman (also a prize) and put on board the Conrad, (Tuscaloosa,) but that transfer did not change the character of either vessel as a prize, for neither of them could cease to be a prize till it had been condemned in an admiralty court of the 'captor's country,' which it is not pretended has been done. The Tuscaloosa, therefore, being a prize, was forbidden to enter Simon's Bay by the Queens proclamation, and should have been ordered off at once, but she was not so ordered. Granting that Her Majesty's proclamation affirmed the right of Captain Semmes as a 'belligerent' to take and to hold prizes on the high seas, it just as emphatically denied his right to hold them in British ports. Now, if he could not hold them in Simon's Bay, who else could hold them except those whose right to hold them was antecedent to his—that is, the owners?

"The Tuscaloosa remained in Simon's Bay seven days with her original cargo of skins and wool on board. This cargo, I am informed by those who claim to know, has been purchased by merchants in Cape Town; and if it should be landed here directly from the prize, or be transferred to other vessels at some secluded harbor on the coast beyond this colony, and brought from thence here, the infringement of neutrality will be so palpable and flagrant that Her Majesty's government will probably satisfy the claims of the owners gracefully and at once, and thus remove all cause of complaint. In so doing it will have to disavow and repudiate the acts of its executive agents here—a result have done all in my power to prevent.

Representation by the consul as to sale of cargo of Tuscaloosa and Sea Bride.

Arrival of Georgia, August 16.

"Greater cause of complaint will exist if the cargo of the Sea Bride is disposed of in the same manner, as I have reason to apprehend it will be when negotiations are concluded; for being originally captured in neutral waters, the thin guise of neutrality would be utterly torn into shreds by the sale of her cargo here.

Florida expected at Saldanha Bay.

"The Georgia, a confederate war-steamer, arrived at Simon's Bay yesterday, and the Florida, another vessel of the same class, has arrived or is expected hourly at *Saldanha Bay, where she may remain a week [306] without your knowledge, as the place is very secluded. The Alabama remained here in Table Bay nearly four days, and at Simon's Bay six days; and as the Tuscaloosa was allowed to remain at Simon's Bay seven days, I apprehend that the Georgia and Florida will meet with the same or even greater favors. Under such circumstances further protest from me would seem to be unavailing, and I only put the facts upon record for the benefit of my Government and officials possessed of diplomatic functions.

"I have, &c.,
(Signed) "WALTER GRAHAM,
"*United States Consul.*"

I have not as yet received any answer to the foregoing letter, and I have little else to communicate beyond what is embraced in my correspondence.

The Georgia reports no capture since she left Bahia, Brazil. The Alabama and Tuscaloosa are cruising on this coast, near Table Bay.

No American war-ships have yet appeared here; but they are anxiously looked for.

Two merchants from this place have gone to Saldanha Bay to buy prize-cargoes; when they return I will watch their proceedings closely.

A company of speculators offered Captain Semmes £4,000 for the Sea Bride and cargo, and he would have takent it, but he wanted a bond that they would not revert to the enemy. They offered me a large bribe if I would give my authority to have them sold here for the benefit of the underwriters, they asking £7,000 for the ransom; but I refused to give them any authority to sell. This was before Captain Semmes spoke of the bond.

Should anything else occur in connection with this affair I will let you know as soon as any mail leaves here.

* * * * * * *

I have, &c.,
(Signed) WALTER GRAHAM,
United States Consul.

No. 11.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *September* 26, 1863. (Received September 29.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral Sir Baldwin Walker, dated the 19th August, with copies of its inclosures, relative to the proceedings of vessels of war of the so-styled Confederate States of North America at the Cape of Good Hope.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 11.]

Rear-Admiral Sir B. Walker to the secretary to the admiralty.

NARCISSUS, *Simon's Bay, August* 19, 1863.

Report of Rear-Admiral Sir B. Walker.

SIR: I beg you will be pleased to acquaint my lords commissioners of the admiralty with the following particulars relative to the proceedings of the Confederate States ships of war Alabama, her reported tender Tuscaloosa, and the Georgia, which have recently arrived at the Cape of Good Hope.

2. On the 28th of July an English schooner arrived in Table Bay, and reported that on the previous day she had been boarded by the confederate steamer Alabama, fifteen miles northwest of Green Point. After some inquiries the Alabama left her, steering southeast.

3. Upon the receipt of this intelligence I ordered Captain Forsyth, of the Valorous, to hold himself in readiness to proceed to any of the ports in this colony where the Alabama might anchor, in order to preserve the rules of strict neutrality.

[307] *4. By a letter addressed to the governor of this colony by Captain Semmes, copy of which was telegraphed to me on the 4th instant, it appears that the Alabama had proceeded to Saldanha Bay for a few days, anchoring there on the 29th of July.

5. On the 5th instant I received a private telegram, to the effect that the Alabama was off Table Bay, when I directed the Valorous immediately to proceed to that anchorage; and shortly afterward a telegram reached me from the governor stating "that the Alabama had captured a vessel (American) which was in sight, and steering for Table Bay." The Valorous reached that bay at 10.15 p. m., where the Alabama had anchored at 3 o'clock in the afternoon of the same day.

6. Captain Forsyth having imformed me that the tender to the Alabama had been ordered by Captain Semmes to Simon's Bay for provisions, and having learnt that this vessel had been captured off the coast of Brazil, and not been condemned in any prize court, I had doubts as to the legality of considering her in the light of a tender, being under the impression that it was a ruse to disguise the real character of the vessel. I therefore wrote to the governor to obtain the opinion of the attorney general of the colony upon this subject, which correspondence is inclosed.

7. On the 8th of August the tender Tuscaloosa, a sailing-bark, arrived in Simon's Bay, and the boarding-officer having reported to me that her original cargo of wool was still on board, I felt that there were grounds for doubting her real character, and again called the governor's attention to this circumstance. My letter and his reply are annexed. And I would here beg to submit to their lordships' notice that this power of a captain of a ship of war to constitute every prize he may take a "tender," appears to me to be likely to lead to abuse and evasion of the laws of strict neutrality, by being used as a means for bringing prizes into neutral ports for disposal of their cargoes, and secret arrangements—which arrangements, it must be seen, could afterward be easily carried out at isolated places.

8. The Alabama, after laying three days in Table Bay, came to this anchorage to calk and refit. She arrived here on the 9th, and sailed again on the 15th instant. Captain Semmes was guarded in his conduct, and expressed himself as most anxious not to violate the neutrality of these waters.

9. I should observe that, from the inclosed copy of a letter from Captain Forsyth to the governor, it would appear that the vessel Sea Bride, taken by the Alabama, off Table Bay, was beyond the jurisdiction of neutral territory.

10. During his passage to this port Captain Semmes chased another American vessel, the Martha Wentzel, standing in for Table Bay. On my pointing out to him that he had done so in neutral waters, he assured me that it was quite unintentional, and, being at a distance from the land, he did not observe that he had got within three miles of an imaginary line drawn from the Cape of Good Hope to Cape Hanglip, but on discovering it he did not detain the vessel. This explanation I considered sufficient.

11. The tender Tuscaloosa, having been detained by a strong southeaster, got under way for the purpose of going to sea on the 14th instant, but anchored again a little distance from the Roman Rock light-house, in consequence of a thick fog prevailing.

12. The Alabama did not take in any coal, either here or at Table Bay, but after being calked she proceeded to sea on the 15th instant, followed by the Tuscaloosa. Their destinations are unknown.

13. On the 16th instant the Confederate States steamer Georgia, commander Maury, anchored in this bay. She requires coals, provisions, and calking. This vessel did not meet the Alabama outside.

14. The Florida, another Confederate States steamer, is reported to be off this coast, probably cruising, to intercept the homeward-bound American ships from China; indeed, it is with that object these ships are on this part of the station.

15. I have learnt, since the departure of the Alabama and her so-called tender, that overtures were made by some parties in Cape Town to purchase the cargo of wool; but, being unsatisfactory, they were not accepted. It is reported to be Captain Semmes's intention to destroy the Tuscaloosa at sea.

16. The Alabama is a steamer of about 900 tons, with 8 guns and 150 men. The Georgia is an iron steamer of about 700 tons, with 5 guns and 110 men. The Tuscaloosa is a sailing-bark of 500 tons, having 2 small guns and 10 men.

I have, &c.,
(Signed) B. W. WALKER.

[308] *[Inclosure 2 in No. 11.]

Captain Semmes, C. S. N., to Governor Sir P. Wodehouse.

CONFEDERATE STATES STEAMER ALABAMA,
Saldanha Bay, August 1, 1863.

SIR: An opportunity is offered me by the coasting-schooner Atlas to communicate with the Cape, of which I promptly avail myself.

I have the honor to inform your excellency that I arrived in this bay on Wednesday morning last for the purpose of effecting some necessary repairs. As soon as these repairs can be completed I will proceed to sea, and in the mean time your excellency may rest assured that I will pay the strictest attention to the neutrality of your government.

I have, &c.,
(Signed) R. SEMMES.

[Inclosure 3 in No. 11.]

Captain Forsyth to Rear-Admiral Sir B. Walker.

VALOROUS, *Table Bay, August* 6, 1863.

SIR: I have the honor to report my arrival here at 10.15 p. m. last evening, and found the confederate steamer Alabama had anchored at 3 p. m. previously.

This morning I put myself in communication with the commander of that vessel, and he informs me he intends leaving his anchorage at daylight to-morrow, or as soon as he has provisioned, and he proceeds to Simon's Bay for repairs; he also informed me he had a tender which he left cruising outside, and had ordered her to Simon's Bay, there to procure provisions.

On my visiting his excellency the governor he requested I would remain here a few days provided you had no objection, in case of the arrival of the confederate vessel Florida, which is expected.

I have, &c.,
(Signed) CHARLES C. FORSYTH.

[Inclosure 4 in No. 11.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, August* 7, 1863.

Correspondence between Rear-Admiral Sir B. Walker and Governor Sir P. Wodehouse as to the character of the Tuscaloosa.

SIR: Captain Forsyth having informed me that the Alabama has a tender outside captured by Captain Semmes on the coast of America, and commissioned by one of the Alabama's lieutenants, and as this vessel has been ordered into Simon's Bay for provisions, may I request your excellency will be good enough to obtain the opinion of the law-officers whether this vessel ought still to be looked upon in the light of a prize, she never having been condemned in a prize court; the instructions, copy of which I inclose, strictly forbidding prizes captured by either of the contending parties in North America being admitted into our ports.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 5 in No. 11.]

Extract from "Wheaton's Elements of International Law," (vol. ii, p. 88.)

The title to property lawfully taken in war may, upon general principles, be considered as immediately divested from the original owner, and transferred to the captor.

This general principle is modified by the positive law of nations, in its application both [309] *to personal and real property. As to personal property or movables, the title is, in general, considered as lost to the former proprietor as soon as the enemy has acquired a firm possession, which, as a general rule, is considered as taking place after the lapse of twenty-four hours. The established usage of maritime nations has excepted from the operation of this rule the case of ships and goods captured at sea, the original title to which is not generally considered as completely divested until carried *infra præsidia*, and regularly condemned in a competent court of prize.

[Inclosure 6 in No. 11.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

GOVERNMENT HOUSE, *Cape Town, August* 8, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of yesterday's date, and to inclose the copy of an opinion given by the acting attorney general to the effect that the vessel to which you refer ought to be regarded as a tender and not as a prize.

Opinion of acting attorney general that she is to be regarded as a tender, and not as a prize.

I shall take care to submit this question to Her Majesty's government by the next mail, but in the mean time I conclude that your excellency will be prepared to act on the opinion of the attorney general in respect to any vessels which may enter these ports in the character of prizes converted into ships of war by the officers of the navy of the Confederate States.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 7 in No. 11.]

Opinion.

I am of opinion that the vessel referred to in the letter of his excellency the admiral and commander-in-chief on this station, of this date, cannot be looked upon in the light of a prize for the following reasons:

1. Because she purports to be a ship of war belonging to the States calling themselves the Confederate States, recognized by Her Majesty as a belligerent during the existing hostilities between those States and the United States of America, and respecting which ships of war rules have been sanctioned by Her Majesty's government, and ordered to be observed throughout her dominions and colonial possessions, and which should not be departed from under any circumstances.
2. Because no legal proof has been adduced to satisfy the government of this colony that the said ship of war bears a character other than what she is represented to be.
3. Because, admitting her to have been captured by a ship of war of the said Confederate States, she is entitled to refer this government, in case of any dispute, to the courts of her State, in order to satisfy it as to her real character, and no means exist for determining whether she has or has not been judicially condemned in a court of competent jurisdiction.
4. Because Captain Semmes, as commander of a ship of war professedly belonging to the said Confederate States, has sufficient authority to convert any captured vessel into a ship of war, and to vest in her by so doing all the rights and immunities which, under the rules above mentioned, have been accorded by Her Majesty to such ships.

This opinion I entertain upon and by virtue of the instructions conveyed by his grace the Duke of Newcastle to his excellency the governor of this colony, dated 1st February, 1862, and upon the authority, among others, of "Wheaton's Elements of International Law," of which I inclose an extract.

(Signed) P. J. DENYSSEN.

ATTORNEY GENERAL'S OFFICE, *Cape Town, August* 7, 1863.

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[310] **Extract from "Wheaton's Elements of International Law."*

What constitutes a setting forth as a vessel of war has been determined by the British courts of prizes, in cases arising under the clause in the act of Parliament, which may serve for the interpretation of our own law, as the provisions are the same in both. Thus it has been settled that where a ship was originally armed for the slave trade, and after capture an additional number of men were put on board, but there was no commission of war and no additional arming, it was not a setting forth as a vessel of war under the act. But a commission of war is decisive if there be guns on board, and where the vessel after the capture has been fitted out as a privateer, it is conclusive against her, although when recaptured she is navigating as a mere merchant-ship; for where the former character of a captured vessel had been obliterated by her conversion into a ship of war, the legislature meant to look no further, but considered the title of the former owner forever extinguished. Where it appeared that the vessel had been engaged in a military service of the enemy, under the direction of his minister of marine, it was held as a sufficient proof of a setting forth as a vessel of war; so where the vessel is armed, and is employed in the public military service of the enemy by those who have competent authority so to employ it, although it be not regularly commissioned. But the mere employment in the enemy's military service is not sufficient; but if there be a fair semblance of authority in the person directing the vessel to be so employed, and nothing upon the face of the proceedings to invalidate it, the court will presume that he is duly authorized; and the commander of a single ship may be presumed to be vested with this authority as commander of a squadron.

[Inclosure 8 in No. 11.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, August* 8, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of this day's date, covering the written opinion of the acting attorney general of this colony as to the legality of the so-called tender to the Confederate States armed ship Alabama, and for which I beg to express my thanks.

The vessel in question, now called the Tuscaloosa, arrived here this evening, and the boarding-officer from my flag-ship obtained the following information:

That she is a bark of 500 tons, with two small rifled 12-pounder guns and ten men, and was captured by the Alabama on the 21st June last, off the coast of Brazil; cargo of wool still on board.

The admission of this vessel into port will, I fear, open the door for numbers of vessels captured under similar circumstances being denominated tenders, with a view to avoid the prohibition contained in the Queen's instructions; and I would observe that the vessel Sea Bride, captured by the Alabama off Table Bay a few days since, or all other prizes, might be in like manner styled tenders, making the prohibition entirely null and void.

I apprehend that to bring a captured vessel under the denomination of a vessel of war, she must be fitted for warlike purposes, and not merely have a few men and two small guns put on board her (in fact nothing but a prize-crew) in order to disguise her real character as a prize.

Now, this vessel has her original cargo of wool still on board, which cannot be required for warlike purposes, and her armament and the number of her crew are quite insufficient for any services other than those of slight defense.

Viewing all the circumstances of the case they afford room for the supposition that the vessel is styled a "tender," with the object of avoiding the prohibition against her entrance as a prize into our ports, where, if the captors wished, arrangements could be made for the disposal of her valuable cargo, the transshipment of which, your excellency will not fail to see, might be readily effected on any part of the coast beyond the limits of this colony.

My sole object in calling your excellency's attention to the case is to avoid any breach of strict neutrality.

I have, &c.,
(Signed) B. W. WALKER.

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[311] [Inclosure 9 in No. 11.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

GOVERNMENT HOUSE, *Cape Town, August* 10, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 8th instant, on which I have consulted the acting attorney general.

The information given respecting the actual condition of the Tuscaloosa is somewhat defective, but referring to the extract from Wheaton transmitted in my last letter, the attorney general is of opinion that if the vessel received the two guns from the Alabama, or other confederate vessel of war, or if the person in command of her has a commission of war, or if she be commanded by an officer of the confederate navy, in any of these cases there will be a sufficient setting forth as a vessel of war to justify her being held to be ship of war; if all of these points be decided in the negative, she must be held to be only a prize and ordered to leave forthwith.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 10 in No. 11.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, August* 11, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's letter dated yesterday, respecting the confederate bark Tuscaloosa, now in this bay.

As there are two guns on board, and an officer of the Alabama in charge of her, the vessel appears to come within the meaning of the cases cited in your above-mentioned communication.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 11 in No. 11.]

Captain Forsyth to Governor Sir P. Wodehouse.

VALOROUS, *Table Bay, August* 6, 1863.

SIR: In compliance with the request conveyed to me by your excellency, I have the honor to report that I have obtained from Captain Semmes a statement of the positions of the Confederate States steamer Alabama and the American bark Sea Bride when the latter was captured yesterday afternoon.

Captain Semmes asserts that, at the time of his capturing the Sea Bride, Green Point light-house bore, from the Alabama, southeast about six or six and a half miles.

This statement is borne out by the evidence of Captain Wilson, port captain of Table Bay, who has assured me that at the time of the Sea Bride being captured he was off Green Point in the port boat, and that only the top of the Alabama's hull was visible.

I am of opinion that, if Captain Wilson could only see that portion of the hull of the Alabama, she must have been about the distance from the shore which is stated by Captain Semmes, and I have therefore come to the conclusion that the Sea Bride was beyond the limits assigned when she was captured by the Alabama.

I have, &c.,
(Signed) CHARLES C. FORSYTH.

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[312] *No. 12.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
September 29, 1863. (Received September 30.)

Alabama and Tuscaloosa.

SIR: I am directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, the inclosed copy of a dispatch from the governor of the Cape of Good Hope, reporting the arrival at the Cape of the confederate steamer Alabama, and requesting instructions on many questions that have arisen from the state of affairs consequent on the presence of this vessel in the colony.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 12.]

Governor Sir P. Wodehouse to the Duke of Newcastle.

[Extract.]

GOVERNMENT HOUSE, *Cape Town, August* 19, 1863.

Report from Governor Sir P. Wodehouse.

I beg to take this opportunity of making your grace acquainted with what has occurred here in connection with the visit of the Confederate States steamer Alabama.

On Tuesday, the 4th instant, I received a letter from the commander of that vessel, dated the 1st August at Saldanha Bay, announcing his having entered that bay with a view to effecting certain repairs, and stating that he would put to sea as soon as they were completed, and would strictly respect our neutrality.

When this intelligence was received, the United States consul called on me to seize her, or at any rate to send her away instantly; but as the vessel which brought the news reported that the Alabama was coming immediately to Table Bay, I replied that I could not seize her, but would take care to enforce the observance of the neutral regulations.

On the next day, about noon, it was reported from the signal station that the Alabama was steering for Table Bay from the north, and that a Federal bark was coming in from the westward; and soon after, that the latter had been captured and put about. A little after 2 p. m. the United States consul called to state that he had seen the capture effected within British waters; when I told him he must make his statement in writing, and an investigation should be made. I also, by telegram, immediately requested the naval commander-in-chief to send a ship-of-war from Simon's Bay. The Alabama, leaving her prize outside, anchored in the bay at 3.30 p. m., when Captain Semmes wrote to me that he wanted supplies and repairs, as well as permission to land thirty-three prisoners. After communicating with the United States consul, I authorized the latter, and called upon him to state the nature and extent of his wants, that I might be enabled to judge of the time he ought to remain in the port. The same afternoon he promised to send the next morning a list of the stores needed, and announced his intention of proceeding with all dispatch to Simon's Bay to effect his repairs there. The next morning (6th August) the paymaster called on me with the merchant who was to furnish the supplies, and I granted him leave to stay till noon of the 7th.

On the night of the 5th Her Majesty's ship Valorous had come round from Simon's Bay. During the night of the 6th the weather became unfavorable; a vessel was wrecked in the bay, and a heavy sea prevented the Alabama from receiving her supplies by the time arranged. On the morning of the 8th, Captain Forsyth, of the Valorous, and the port captain, by my desire, pressed on Captain Semmes the necessity for his leaving the port without any unnecessary delay; when he pleaded the continued heavy sea and the absence of his cooking apparatus, which had been sent on shore for repairs, and had not been returned by the tradesman at the time appointed, and intimated his own anxiety to get away. Between 6 and 7 a. m. on Sunday, the 9th, he sailed, and on his way round to Simon's Bay captured another vessel, but on finding that she was in neutral waters, immediately released her.

In the mean time, the United States consul had, on the 5th August, addressed to me a written statement, that the Federal bark Sea Bride had been taken "about four miles from the nearest land," and "already in British waters;" on which I promised immediate inquiry. The next day the consul repeated his protest, supporting it by an affidavit of the master of the prize, which he held to show that she had been taken about two miles and a half from the land; and the agent for the United States underwriters, on the same day, made a similar protest. On the 7th, the consul represented [313] that the *prize had, on the previous day, been brought within one mile and a half of the light-house, which he considered as much a violation of the neutrality as if she had been there captured, and asked me to have the prize crew taken out and replaced by one from the Valorous, which I declined.

I had, during this period, been seeking for authentic information as to the real circumstances of the capture, more particularly with reference to the actual distance from the shore, and obtained, through the acting attorney general, statements from the keeper of the Green Point light-house, (this was supported by the collector of customs,) from the signalman at the station on the Lion's Rump, and from an experienced boatman who was passing between the shore and the vessels at the time. Captain Forsyth, of the Valorous, also made inquries of the captain of the Alabama, and of the port captain, and made known the result to me. And from all these statements I came to the conclusion that the vessels were not less than four miles distant from land; and on the 8th I communicated to the United States consul that the capture could not, in my opinion, be held to be illegal by reason of the place at which it was effected.

In his reply of the 10th the consul endeavored to show how indefensible my decision must be, if, in these days of improved artillery, I rested it on the fact of the vessels having been only three miles from land. This passage is, I think, of considerable importance, as involving an indirect admission that they were not within three miles at the time of the capture. And I hope your grace will concur in my view that it was not my duty to go beyond what I found to be the distance clearly established by past decisions under international law.

An important question has arisen in connection with the Alabama, on which it is very desirable that I should, as soon as practicable, be made acquainted with the views of Her Majesty's government. Captain Semmes had mentioned, after his arrival in port, that he had left outside one of his prizes previously taken, the Tuscaloosa, which he had equipped and fitted as a tender, and had ordered to meet him in Simon's Bay, as she also stood in need of supplies. When this became known to the naval commander-in-chief he requested me to furnish him with a legal opinion; and whether this vessel could be held to be a ship of war before she had been formally condemned in a prize court; or whether she must not be held to be still a prize, and as such prohibited from entering our ports. The acting attorney general, founding his opinion on Earl Russell's dispatch to your grace on the 31st January, 1862, and on Wheaton's "International Law," stated in substance that it was open to Captain Semmes to convert this vessel into a ship of war, and that she ought to be admitted into our ports on that footing.

On the 8th August the vessel entered Simon's Bay, and the admiral wrote that she had two small rifled-guns with a crew of ten men, and that her cargo of wool was still on board. He was still doubtful of the propriety of admitting her.

On the 10th August, after further consultation with the acting attorney general, I informed Sir Baldwin Walker that, if the guns had been put on board by the Alabama, or if she had a commission of war, or if she were commanded by an officer of the confederate navy, there must be held to be a sufficient setting forth as a vessel of war to justify her admission into port in that character.

The admiral replied in the affirmative on the first and last points, and she was admitted.

The Tuscaloosa sailed from Simon's Bay on the morning of the 14th instant, but was becalmed in the vicinity until the following day, when she sailed about noon. The Alabama left before noon on the 15th instant. Neither of these vessels was allowed to remain in port longer than was really necessary for the completion of their repairs.

On the 16th, at noon, the Georgia, another confederate war-steamer, arrived at Simon's Bay in need of repairs, and is still there.

Before closing this dispatch I wish particularly to request instructions on a point tuched on in the letter from the United States consul of the 17th instant, viz, the steps which should be taken here in the event of the cargo of any vessel captured by one of the belligerents being taken out of the prize at sea, and brought into one of our ports in a British or other neutral vessel.

Both belligerents are strictly interdicted from bringing their prizes into British ports by Earl Russell's letter to the lords of the admiralty of the 1st June, 1861, and I conceive that a colonial government would be justified in enforcing compliance with that order by any means at its command, and by the exercise of force if it should be required.

But that letter refers only to "prizes," that is, I conceive, to the ships themselves, and makes no mention of the cargoes they may contain. Practically the prohibition has been taken to extend the cargoes; and I gathered, from a conversation with [314] Captain *Semmes on the subject of our neutrality regulations, that he considered himself debarred from disposing of them, and was thus driven to the destruction of all that he took. But I confess that I am unable to discover by what legal means I could prevent the introduction into our ports of captured property purchased at sea, and tendered for entry at the custom-house in the usual form from a neutral ship. I have consulted the acting attorney general on the subject, and he is not prepared to state that the customs authorities would be justified in making a seizure under such circumstances; and, therefore, as there is great probability of clandestine attempts being made to introduce cargoes of this description, I shall be glad to be favored with the earliest practicable intimation of the views of Her Majesty's government on the subject.

[Inclosure 2 in No. 12.]

Captain Semmes, C. S. N., to Governor Sir P. Wodehouse, August 1, 1863.

Correspondence with Captain Semmes.

[See inclosure 2 in No. 11.]

[Inclosure 3 in No. 12.]

Captain Semmes, C. S. N., to Governor Sir P. Wodehouse.

ALABAMA, *Table Bay, August* 5, 1863.

SIR: I have the honor to inform your excellency of my arrival in this bay in the Confederate States steamer Alabama, under my command. I have come in for supplies and repairs; and in the mean time I respectfully ask leave to land in Cape Town thirty-three prisonors, lately captured by me on board two of the enemy's ships destroyed at sea. The United States consul will doubtless be glad to extend such hospitality and assistance to his distressed countrymen as is required of him by law.

I have, &c.,
(Signed) R. SEMMES.

[Inclosure 4 in No. 12.]

Governor Sir P. Wodehouse to Captain Semmes, C. S. N.

GOVERNMENT HOUSE,
Cape Town, August 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letter announcing your arrival in this port, and to state that I have no objection to offer to your landing the prisoners now detained in your ship.

I have further to beg that you will be good enough to state the nature and extent of the supplies and repairs you require, that I may be enabled to form some estimate of the time for which it will be necessary for you to remain in this port.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 5 in No. 12.]

Captain Semmes, C. S. N., to Governor Sir P. Wodehouse.

ALABAMA, *Table Bay, August* 5, 1863.

Repairs required by Alabama.

SIR: I have had the honor to receive your letter of this day's date giving me permission to land my prisoners and requesting me to state the nature of the supplies and repairs which I may require. In the way of supplies I shall need some provisions for my crew, a list of which will be handed you to-morrow by the paymaster, and as for repairs my boilers need some iron-work to be done, and my bends require calking, being quite open. I propose to take on board the necessary materials here, and to proceed with all dispatch to Simon's Bay for the purpose of making these repairs.

I have, &c.,
(Signed) R. SEMMES.

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[315] *[Inclosure 6 in No. 12.]

Mr. Adamson to Captain Semmes, C. S. N.

COLONIAL OFFICE, *Cape Town, August* 6, 1863.

SIR: I am directed by the governor of this colony to acquaint you that he has received from the consul for the United States at this port a representation in which he sets forth that an American bark was yesterday captured by the ship which you command, in British waters, in violation of the neutrality of the British government, and claims from him redress for the alleged outrage.

His excellency will be glad, therefore, to receive from you any explanation you may wish to give as to the circumstances in which the capture was effected.

I have, &c.,
(Signed) L. ADAMSON,
For Colonial Secretary.

[Inclosure 7 in No. 12.]

Captain Semmes, C. S. N., to Mr. Adamson.

CONFEDERATE STATES STEAMER ALABAMA,
Cape Town, August 6, 1863.

SIR: I have had the honor to receive your communication of this day's date informing me that the United States consul at this port had presented to his excellency the governor a representation in which he sets forth that an American bark was yesterday captured by this ship under my command, in British waters, in violation of the neutrality of the British government, and requesting me to make to his excellency such representation as I may have to offer on this subject.

In reply, I have the honor to state that it is not true that the bark referred to was captured in British waters, and in violation of British neutrality; she having been captured outside all head-lands, and a distance from the nearest land of between five and six miles. As I approached this vessel I called the particular attention of my officers to the question of distance, and they all agree that the capture was made from two to three miles outside of the marine league.

I have, &c.,
(Signed) R. SEMMES.

[Inclosure 8 in No. 12.]

Mr. Graham to Governor Sir P. Wodehouse, August 4, 1863.

[See inclosure in No. 10.]

[Inclosure 9 in No. 12.]

Mr. Adamson to Mr. Graham, August 5, 1863.

[See inclosure in No. 10.]

[Inclosure 10 in No. 12.]

Mr. Graham to Governor Sir P. Wodehouse, August 5, 1863.

[See inclosure in No. 10.]

[Inclosure 11 in No. 12.]

Mr. Rawson to Mr. Graham, August 6, 1863.

[See inclosure in No. 10.]

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[316] *[Inclosure 12 in No. 12.]

Mr. Graham to Governor Sir P. Wodehouse, August 6, 1863.

[See inclosure in No. 10.]

[Inclosure 13 in No. 12.]

Mr. Rawson to Mr. Graham, August 7, 1863.

[See inclosure in No. 10.]

[Inclosure 14 in No. 12.]

Mr. Graham to Governor Sir P. Wodehouse.

UNITED STATES CONSULATE,
Cape Town, August 7, 1863.

Understanding from your letter of this date, received this morning, that the case of the Sea Bride is still pending, I inclose the affidavits of the first officer of that vessel, and the cook and steward, which I hope will throw additional light on the subject.

From the affidavit of the first officer it appears that the alleged prize was brought within one and a half miles of Green Point light-house yesterday, at 1 o'clock p. m. Now, as the vessel was at that time in charge of a prize-crew, it was a violation of neutrality as much as if the capture had been made at the same distance from land.

Pending your decision of the case I would most respectfully suggest that the prize-crew on board the Sea Bride be removed, and that the vessel be put in charge of a crew from Her Majesty's ship Valorous.

I have, &c.,
(Signed) WALTER GRAHAM,
United States Consul.

[Inclosure 15 in No. 12.]

Affidavit of James Robertson.

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, August 7, 1863.

On the day and date hereof, before me, Walter Graham, consul for the United States of America at Cape Town, personally came and appeared James Robertson, cook and steward of the bark Sea Bride, an American vessel, and made affidavit that he was on board said bark on the night of the 5th day of August instant, after the said bark had been captured as a prize by the confederate steamer Alabama, and a prize-crew put on board. That at about five minutes before 2 o'clock a. m. of the 6th instant the prize-crew on board the said bark received a signal from the Alabama aforesaid to burn the said bark, and immediately all hands were called to execute that order. That the sails were clewed, a tar-barrel taken from underneath the topgallant forecastle and placed in the forecastle, and a bucket full of tar with other combustibles and ammunition ordered on the cabin table, but that when these arrangements were completed another signal was received from the said Alabama, countermanding the order to burn the said prize and to stand off and on the land until daylight, which orders were obeyed.

(Signed) JAMES ROBERTSON,
Steward Bark Sea Bride.

Witness my hand and official seal this 7th day of August, 1863.

(Signed) WALTER GRAHAM,
United States Consul.

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[317] [Inclosure 16 in No. 12.]

Affidavit of John Schofield.

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, August 7, 1863.

On the day and date hereof, before me, Walter Graham, consul for the United States of America at Cape Town, personally came and appeared John Schofield, first officer of the bark Sea Bride, of Boston, who made affidavit that he was on board of said vessel at 1 o'clock p. m. yesterday, the 6th day of August instant, while she was in possession of a prize-crew of the steamer Alabama; that he took the bearings of said bark at that time, which were as follows: Robben Island light-house bore northeast by north one-half north; Green Point light-house bore southwest one-half west.

He also deposed that the officer in command of the bark came on deck about that time, and stamping his foot as if chagrined to find her so near the land, ordered her farther off, which was done immediately.

(Signed) JOHN SCHOFIELD,
Late First Officer of Bark Sea Bride.

Witness my hand and official seal this 7th day of August, 1863.

(Signed) WALTER GRAHAM,
United States Consul.

[Inclosure 17 in No. 12.]

Mr. Adamson to Mr. Graham.

COLONIAL OFFICE, *August* 7, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, inclosing two affidavits relative to the Sea Bride, and to state that his excellency is not prepared to admit that the fact of that vessel having been brought by the prize-crew within one and a half miles of the Green Point light-house "was a violation of the neutrality as much as if the capture had taken place at the same distance from land," although both the belligerents are prohibited from bringing their prizes into British ports.

The governor does not feel warranted in taking steps for the removal of the prize-crew from the Sea Bride.

I have, &c.,

(Signed) L. ADAMSON,
For the Colonial Secretary.

[Inclosure 18 in No. 12.]

Mr. Rawson to Mr. Graham, August 8, 1863.

[See inclosure in No. 10.]

[Inclosure 19 in No. 12.]

Mr. Graham to Governor Sir P. Wodehouse, August 10, 1863.

[See inclosure in No. 10.]

[Inclosure 20 in No. 12.]

Mr. Rawson to Mr. Graham, August 10, 1863.

[See inclosure In No. 10.]

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[318] *[Inclosure 21 in No. 12.]

Mr. Graham to Governor Sir P. Wodehouse, August 12, 1863.

[See inclosure in No. 10.]

[Inclosure 22 in No. 12.]

Mr. Rawson to Mr. Graham, August 12, 1863.

[See inclosure in No. 10.]

[Inclosure 23 in No. 12.]

Mr. Graham to Governor Sir P. Wodehouse, August 17, 1863.

[See inclosure in No. 10.]

[Inclosure 24 in No. 12.]

Mr. Rawson to Mr. Graham.

COLONIAL OFFICE, *August* 19, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of the 17th instant, and to state that he has, during the recent transactions, endeavored to act in strict conformity with the wishes of Her Majesty's government. He will in like manner pursue the same course in any future cases which may arise.

I am to add that his excellency has no reason to believe that either the Alabama or the Tuscaloosa have been allowed to remain in the ports of the colony for a greater length of time than the state of the weather and the execution of the repairs of which they actually stood in need rendered indispensable.

I have, &c.,
(Signed) RAWSON W. RAWSON,
Colonial Secretary.

[Inclosure 25 in No. 12.]

Statement of Joseph Hopson.

Joseph Hopson, keeper of the Green Point light-house, states:

I was on the lookout on Wednesday afternoon when the Alabama and Sea Bride were coming in. When I first saw them the steamer was coming round the northwest of Robben Island, and the bark bore from or about five miles west-northwest. The bark was coming in under all sail with a good breeze, and she took nothing in when the gun was fired. I believe two guns were fired, but the gun I mean was the last, and the steamer then crossed the stern side of the bark, and hauled up to her on the starboard side. He steamed ahead gently, and shortly afterward I saw the bark put round with her head to the westward, and a boat put off from the steamer and boarded her. Both vessels were then good five miles off the mainland, and quite five, if not six, from the northwest point of Robben Island.

(Signed) J. HOPSON.

Taken before me at Green Point this 7th day of August, 1863.

(Signed) R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Witnesses:
(Signed) J. SCHONEGEVEL.
JESSE HOPSON.

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[319] * [Inclosure 26 in No. 12.]

Statement of W. S. Field.

I was present at the old light-house, Green Point, on last Wednesday afternoon, at 2 p. m., and saw the Alabama capture the American bark Sea Bride, and I agree with the above statement as far as the position of the vessels and their distance from shore.

(Signed) W. S. FIELD,
Collector of Customs.

CAPE TOWN, *August* 8, 1863.

I may also remark that I called the attention of Colonel Bissett and the light-house keeper Hopson to the distance of the vessels at the time of the capture, as it was probable we should be called upon to give our evidence respecting the affair, and we took a note of the time it occurred.

(Signed) W. S. FIELD,
Collector of Customs.

CAPE TOWN, *August* 8, 1863.

[Inclosure 27 in No. 12.]

Statement of John Roe.

I, John Roe, boatman, of Cape Town, make the following statement:

I was yesterday, the 5th day of August, 1863, returning from a whale chase in Hunt's Bay, when I first saw the bark Sea Bride standing from the westward on to the land. I came on to Table Bay, and when off Camp's Bay I saw the smoke of the Alabama some distance from the westward of Robben Island. When I reached the Green Point light-house the steamer was standing up toward the bark, which was about five miles and a half to the westward of Green Point, and about four and a half from the western point of Robben Island. This was their position (being near each other at the time) when the gun was fired.

Dated at Cape Town, this 6th day of August, 1863.

(Signed) JOHN ROE.

This statement made before me.

(Signed) R. JOHNSON DUTTON,
Acting Clerk of the Peace.

CAPE TOWN, *August* 6, 1863.

Witnesses:
(Signed) J. W. A. RUSSOND.
J. A. B. FLECK.

[Inclosure 28 in No. 12.]

Statement of Frederick Carter.

Frederick Carter, signalman at the Lion's Rump telegraph station, states:

On Wednesday last, the 5th day of August, 1863, I sighted the bark Sea Bride about seven o'clock in the morning, about fifteen or twenty miles off the land, standing into Table Bay from the southwest. There was a light breeze blowing from the northwest, which continued until after midday. About midday I sighted the Alabama screw-steamer standing from due north toward Table Bay, intending, as it appeared to me, to take the passage between Robben Island and the Blueberg beach. She was then between fifteen and eighteen miles off the land.

After sighting the steamer I hoisted the demand for the bark, when she hoisted the American flag, which I reported to the port office, the bark then being about eight miles off the land from Irville Point. No sooner had the bark hoisted the American flag than the steamer turned sharp round in the direction of and toward the bark. The steamer appeared at that time to have been about twelve miles off the land from Irville Point, and about four or five miles outside of Robben Island, and about seven miles from the bark.

The steamer then came up to and alongside of the bark, when the latter was good four miles off the land at or near the old light-house, and five miles off the island. [320] The * steamer, after firing a gun, stopped the further progress of the bark, several boats were sent to her, and after that the bark stood out to sea again, and the Alabama steamed into Table Bay.

(Signed) F. CARTER,
Chief Signalman, Lion's Rump.

Taken before me, at Cape Town, this 7th day of August, 1863.
(Signed) R. JOHNSON DUTTON,
Acting Clerk of the Peace.

Witnesses:
(Signed) J. W. A. Russond.
J. A. B. Fleck.

[Inclosure 29 in No. 12.]

Captain Forsyth to Governor Sir P. Wodehouse.

Valorous, Table Bay, *August* 6, 1863.

Sir: In compliance with the request conveyed to me by your excellency, I have the honor to report that I have obtained from Captain Semmes a statement of the positions of the Confederate States steamer Alabama and the American bark Sea Bride, when the latter was captured yesterday afternoon.

Captain Semmes asserts that at the time of his capturing the Sea Bride, Green Point light-house bore from the Alabama southeast about six or six and a half miles.

This statement is borne out by the evidence of Captain Wilson, port captain of Table Bay, who has assured me that at the time of the Sea Bride being captured he was off Green Point in the port boat, and that only the top of the Alabama's hull was visible.

I am of opinion that if Captain Wilson could only see that portion of the hull of the Alabama, she must have been about the distance from the shore which is stated by Captain Semmes, and I have therefore come to the conclusion that the bark Sea Bride was beyond the limits assigned when she was captured by the Alabama.

I have, &c.,
(Signed) CHARLES C. FORSYTH.

[Inclosure 30 in No. 12.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse, August 7, 1863.

Correspondence between governor and admiral.

[See inclosure 4 in No. 11.]

[Inclosure 31 in No. 12.]

The secretary to the admiralty to Rear-Admiral Sir B. Walker.

Admiralty, *June* 1, 1861.

Rule of June 1, 1861, prohibiting prizes being brought into British ports.

Sir: I am commanded by my lords commissioners of the admiralty to send you herewith, for your information and guidance, a copy of a letter from Her Majesty's principal secretary of state for foreign affairs, dated this day, informing my lords that, with a view more effectually to carry out the principle of neutrality, Her Majesty's government propose to interdict the armed ships of both contending parties in North America from carrying prizes made by them into the ports, harbors, roadsteads, or waters of the United Kingdom, or of any other of Her Majesty's colonies or possessions abroad.

I am, &c.,
(Signed) W. G. ROMAINE.

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[321] *[Inclosure 32 in No. 12.]

Lord J. Russell to the lords commissioners of the admiralty.

FOREIGN OFFICE, *June* 1, 1861.

SIR: Her Majesty's government are, as your lordships are aware, desirous of observing the strictest neutrality in the contest which appears to be imminent between the United States and the so-called Confederate States of North America; and with a view more effectually to carry out this principle, they propose to interdict the armed ships, and also the privateers, of both parties, from carrying prizes made by them into the ports, harbors, roadsteads, or waters of the United Kingdom, or of any of Her Majesty's colonies or possessions abroad.

I have accordingly to acquaint your lordship that the Queen has been pleased to direct that orders in conformity with the principles above mentioned should forthwith be addressed to all proper authorities in the United Kingdom, and to Her Majesty's naval and other authorities in all quarters beyond the United Kingdom, for their guidance in the circumstances.

I have, &c.,
(Signed) J. RUSSELL.

[Inclosure 33 in No. 12.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker, August 8, 1863.

[See inclosure 6 in No. 11.]

[Inclosure 34 in No. 12.]

Extract from Wheaton's "Elements of International Law."

[See inclosure 7 in No. 11.]

[Inclosure 35 in No. 12.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse, August 8, 1863.

[See inclosure 8 in No. 11.]

[Inclosure 36 in No. 12.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker, August 10, 1863.

[See inclosure 9 in No. 11.]

[Inclosure 37 in No. 12.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse, August 11, 1863.

[See inclosure 10 in No. 11.]

[Inclosure 38 in No. 12.]

Mr. Holmes to Mr. Rawson.

CAPE TOWN, *August* 6, 1863.

SIR: With reference to the seizure by the so-called confederate steamship Alabama of the United States merchant bark Sea Bride, bound from New York to this port, on Thursday, the 5th instant, while entering Table Bay, I beg to state that, from information which I have received, and from my own observations, I believe that the said bark was seized within the neutral limits allowed by the law of nations. I beg, therefore, to protest, on behalf of the principal underwriters in the said United States, [322] *whose agent I am in this colony, against the said seizure as being illegal, and to claim the protection of the British government for the said bark and underwriters.

I have, &c.,
(Signed) G. S. HOLMES,
Agent for said Underwriters.

[Inclosure 39 in No. 12.]

Mr. Rawson to Mr. Holmes.

COLONIAL OFFICE, *August* 7, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, relative to the capture of the Sea Bride; and to acquaint you that an inquiry is in progress as to the circumstances under which it took place.

I have, &c.,
(Signed) RAWSON W. RAWSON,
Colonial Secretary.

No. 13.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, inclosing copies of communications which have been made to you by the consul of the United States at Cape Town, relative to the proceedings at that place of the steam-vessel Alabama; and I beg to inform you that the matter has already been brought to the notice of Her Majesty's government, and is now under their consideration.

I am, &c.,
(Signed) RUSSELL.

No. 14.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *October* 19, 1863. (Received October 19.)

Opinion of law-officers.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 30th September ultimo, stating that he was directed by your lordship to transmit to us the accompanying letters and their inclosures from the admiralty and Colonial Office, dated respectively the 26th and 29th September ultimo, relative to the proceedings at the Cape of Good Hope of the confederate vessels of war Georgia, Alabama, and her reputed tender Tuscaloosa; and to request that we would take the various questions raised in these papers, and especially the opinion given by the acting attorney general of that colony with regard to the latter vessel, into our consideration, and favor your lordship with such observations as we might have to make thereupon.

We are also honored with your lordship's commands signified in Mr. Hammond's letter of the 2d October instant, stating that with reference to his letter of the 30th ultimo, he was directed by your lordship to transmit to us the accompanying letter, dated the 29th September ultimo, from Mr. Adams, relative to the proceedings of the Alabama off the Cape of Good Hope, and to request that we would take the same into our consideration, together with papers on this subject then before us, and favor your lordship with our opinion thereupon.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That, so far as relates to the capture of the Sea Bride made by the Alabama, it appears, as we understand the evidence, to have been effected beyond the distance of three miles from the shore; and, as we have already had the honor to report to your lordship, that distance must be accepted as the limit of territorial jurisdiction according to the present rule of international law upon that subject. It appears, however, that this prize, very soon after her capture, was brought within the distance of two miles from the shore; and as this was contrary to Her Majesty's orders, it might have afforded just grounds (if the apology of Captain Semmes for this improper act, which he ascribed to inadvertence, had not been accepted by Sir Philip Wodehouse) for the interference of the authorities of the Cape Colony upon the principles which we are about to explain.

[323] *Secondly, with respect to the Alabama herself, we are clearly of opinion that neither the governor nor any other authority at the Cape could exercise any jurisdiction over her; and that, whatever was her previous history, they were bound to treat her as a ship of war belonging to a belligerent power.

Upon the third point raised with regard to the vessel called the Tuscaloosa, we are not able to agree with the opinion expressed by the attorney general of the Cape Colony, that she had ceased to have the character of a prize captured by the Alabama merely because she was, at the time of her being brought within British waters, armed with two small guns, in charge of an officer, and manned with a crew of ten men from the Alabama, and used as a tender to that vessel, under the authority of Captain Semmes.

It would appear that the Tuscaloosa is a bark of 500 tons, captured by the Alabama off the coast of Brazil on the 21st of June last and brought into Simon's Bay on or before the 7th of August with her original cargo of wool (itself, as well as the vessel, prize) still on board, and with nothing to give her a warlike character (so far as appears from the papers before us) except the circumstances already noticed.

We therefore do not feel called upon, in the circumstances of this case, to enter into the question whether, in the case of a vessel duly commissioned as a ship of war, after being made prize by a belligerent government, without being first brought *infra præsidia* or condemned by a court of prize, the character of prize, within the meaning of Her Majesty's orders, would or would not be merged in that of a national ship of war. It is enough to say that the citation from Mr. Wheaton's book by the colonial attorney general does not appear to us to have any direct bearing upon this question.

Connected with this subject is the question as to the cargoes of captured vessels, which is noticed at the end of Sir Philip Wodehouse's dispatch of the 19th August last. We think that, according to the true interpretation of Her Majesty's orders, they apply as much to prize-cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters as to the captured vessels themselves. They do not, however, apply to any articles which may have formed part of any such cargoes, if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

We think it right to observe that the third reason alleged by the colonial attorney general for his opinion assumes (though the fact had not been made the subject of any inquiry) that "no means existed for determining whether the ship had or had not been judicially condemned in a court competent of jurisdiction; and the proposition that "*admitting her to have been captured by a ship of war of the Confederate States*, she was entitled to refer Her Majesty's government, in case of dispute, to the court of her states, in order to satisfy it as to her real character," appears to us to be at variance with Her Majesty's undoubted right to determine, within her own territory, whether her orders, made in vindication of her own neutrality, have been violated or not.

The question remains, what course ought to have been taken by the authorities at the Cape, first, in order to ascertain whether this vessel was, as alleged by the United States consul, an uncondemned prize, brought within British waters in violation of Her Majesty's neutrality; and secondly, what ought to have been done if such had appeared to be really the fact? We think that the allegations of the United States consul ought to have been brought to the knowledge of Captain Semmes, while the Tuscaloosa was still within British waters; and that he should have been requested to state whether he did or did not admit the facts to be as alleged. He should also have been called upon (unless the facts were admitted) to produce the Tuscaloosa's papers. If the result of these inquiries had been to prove that the vessel was really an uncondemned prize, brought into British waters in violation of Her Majesty's orders made for the purpose of maintaining her neutrality, it would, we think, deserve very serious consideration whether the mode of proceeding in such circumstances, most consistent with Her Majesty's dignity and most proper for the vindication of her territorial rights, would not have been to prohibit the exercise of any further control over the Tuscaloosa by the captors; and to retain that vessel under Her Majesty's control and jurisdiction until properly reclaimed by her original owners.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

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[324] *No. 15.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 21, 1863. (Received October 21.)

SIR: With reference to my letter of the 26th ultimo, I am commanded by my lords commissioners of the admiralty, to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral Sir Baldwin Walker, dated the 31st of August, with a copy of its inclosure, relative to two vessels captured by the so-styled confederate vessel Alabama having visited Saldanha Bay; and the question whether the laws of neutrality prescribed by the Queen's proclamation have not been infringed by the proceedings of these vessels.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 15.]

Rear-Admiral Sir B. Walker to the secretary to the admiralty.

NARCISSUS, *Simon's Bay, August* 31, 1863.

Proceedings of Sea Bride and Tuscaloosa.
Report of Captain Forsyth.

SIR: I beg to inclose, for the information of my lord's commissioners of the admiralty, the copy of a letter addressed to me by Captain Forsyth, of Her Majesty's ship Valorous, reporting the result of his visit to Saldanha Bay to watch the movements of the Confederate States vessels and prizes said to have gone in that direction.

2. The report of the inhabitants of Honteges Bay, northward of Saldanha Bay, that the prize Sea Bride, and the so-called tender Tuscaloosa having visited that place, and received on board some men sent from Cape Town, tends to confirm the suspicions referred to in my letter of the 19th instant, paragraph 7; and I believe that these vessels and their cargoes have been since disposed of to some parties at Cape Town. The fact of the Sea Bride, which was the vessel captured off Table Bay by the Alabama, being carried into Honteges Bay, although she may have been previously made into a tender in the same manner as the Tuscaloosa, having her cargo of merchandise still on board, would appear to be a breach of the laws of neutrality prescribed by the Queen's proclamation.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 2 in No. 15.]

Captain Forsyth to Rear-Admiral Sir B. Walker.

VALOROUS, *Table Bay, August* 24, 1863.

SIR: Having received a request in the evening of the 19th instant, from his excellency Sir P. Wodehouse, (a copy of which I beg to inclose,) that I would proceed to Saldanha Bay, and there take such steps as I might think proper for enforcing the instructions of Her Majesty's government with regard to British neutrality, I weighed at 9 p. m., under steam, and arrived at my destination the next morning. I first examined the southern part of the bay for any vessels that might have anchored in that locality; not finding any, I proceeded the same afternoon to Honteges Bay, further to the northward, and found, from information obtained from the residents, that two confederate vessels, the Sea Bride and Tuscaloosa, had sailed on the previous morning, having been at anchor two days at this place, and it is reported shipped some men, one from this bay, and others said to have been brought from Cape Town in a cargo-boat. On their leaving the port they were communicated with by a steamer, after which the former stood to the westward, and the latter to the southward.

The wind having set in from the northward, and there being a very heavy sea outside, I decided on remaining at the anchorage until the weather cleared, more particularly as our starboard fore-bitts have been strained, and the stopper-bolts drawn, which I felt anxious to repair before returning to Table Bay.

Having partially completed the above-mentioned repairs, I left Saldanha Bay at 8 a. m. this morning, and arrived here at 5.30 p. m. this day.

I have, &c.,
(Signed) C. C. FORSYTH.

[325] ## * No. 16.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 21, 1863. (Received October 21.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the 17th September, from Rear-Admiral Sir Baldwin Walker, with copy of its inclosure, relative to the movements of the so-styled Confederate States ship Alabama and her prizes.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 16.]

Rear-Admiral Sir B. Walker to the secretary to the admiralty.

NARCISSUS, SIMON'S BAY, *September* 17, 1863.

Report from rear-admiral. Return of the Alabama. Tuscaloosa and Sea Bride at Angra Pequena.

SIR: With reference to my letters dated respectively the 19th and 31st ultimo, relative to the Confederate States ship of war Alabama, and the prizes captured by her, I beg to inclose, for their lordship's information, the copy of a statement forwarded to me by the collector of customs at Cape Town, wherein it is represented that the Tuscaloosa and Sea Bride had visited Ichaboe, which is a dependency of this colony.

Sale of Sea Bride.

2. Since the receipt of the above-mentioned document, the Alabama arrived at this anchorage, (the 16th instant,) and when Captain Semmes waited upon me I acquainted him of the report, requesting he would inform me if it was true. I was glad to learn from him that it was not so. He frankly explained that the prize Sea Bride in the first place had put into Saldanha Bay through stress of weather, and on being joined there by the Tuscaloosa, both vessels proceeded to Angra Pequena, on the west coast of Africa, where he subsequently joined them in the Alabama, and there sold the Sea Bride and her cargo to an English subject who resides at Cape Town. The Tuscaloosa had landed some wool at Angra Pequena and received ballast, but he states is still in commission as a tender. It will, therefore, be seen how erroneous is the accompanying report. I have no reason to doubt Captain Semmes's explanation; he seems to be fully alive to the instructions of Her Majesty's government, and appears to be most anxious not to commit any breach of neutrality.

Repairs and coal required by Alabama.

The Alabama has returned to this port for coal, some provisions, and to repair her condensing-apparatus.

4. From conversation with Captain Semmes, I find that he has been off this cape for the last five days, and as the Vanderbilt left this on the night of the 11th instant, it is surprising they did not see each other.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 2 in No. 16.]

Information received September 11, 1863.

On the 3d August the Sea Bride, now hailing from Hamburg, together with the Tuscaloosa, sailed from Ichaboe. The Sea Bride having landed part of her cargo, and filled up with guano, both vessels were remanned from the working-party on the islands, and the former crews landed.

Captain Iceton, of the Flower of Yarrow, piloted the Alabama into the lagoon, or, as it is called, Galvidea Bay, thirty or forty miles north of Ichaboe, where she landed some cargo.

The Isabella, schooner of Cape Town, took on board part of Sea Bride's cargo, consisting of tobacco, flour, beef, and pork.

The Tuscaloosa landed her cargo at Angra Pequena, and was ballasted and refitted there.

The Sea Bride and Tuscaloosa are supposed to have sailed for Mauritius.

[326] * The above information was yesterday confirmed by the arrival of the Gem from Angra Pequena.

CUSTOM-HOUSE, *Cape Town, September* 15, 1863.

Captain Johnson, formerly of the Albatross, commands the Sea Bride, and Mr. Cloete the Tuscaloosa.

No. 17.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 29, 1863.

SIR: I acquainted you, in my letter of the 2d instant, that the matters connected with the proceedings of the confederate steamer Alabama at the Cape of Good Hope, to which your letter of the 29th September referred, were under the consideration of Her Majesty's government.

Those matters were—

1. The capture, by the Alabama, of the United States vessel Sea Bride, within, as was alleged, the territorial jurisdicton of Great Britain.
2. The character of the Alabama herself.
3. The manner in which the Tuscaloosa, alleged to be a tender of the Alabama, was dealt with by the authorities of the Cape.

On these several points I have to state to you—

1. That Her Majesty's government are satisfied, by the concurrent testimony of the colonial and naval authorities at the Cape, that at the time of capture the Sea Bride was considerably more than three miles distant from the nearest land.
2. That as regards the character of the Alabama, that vessel is entitled to be treated as a ship of war belonging to a belligerent power, and that neither the governor nor any other British authority at the Cape was entitled to exercise any jurisdiction over her.
3. That as regards the Tuscaloosa, although Her Majesty's government would have approved the British authorities at the Cape if they had adopted toward that vessel a course different from that which was adopted, yet the question as to the manner in which a vessel under such circumstances should, according to the tenor of Her Majesty's orders, be dealt with, was one not altogether free from uncertainty. Nevertheless, instructions will be sent to the British authorities at the Cape for their guidance in the event of a similar case occurring hereafter; and Her Majesty's government hope that under those instructions nothing will for the future happen to admit of a question being raised as to Her Majesty's orders having being strictly carried out.

Copies of the reports from the colonial and naval authorities on the matters in question will be sent to Her Majesty's minister at Washington, who will thereby be enabled to give to the Government of the United States any further explanation they may desire to obtain on the subject.

I am, &c.,
(Signed) RUSSELL.

No. 18.[1]

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, *October* 31, 1863. (Received November 2.)

MY LORD: I have the honor to acknowledge the reception of your note of the 29th instant, in reply to my representation of the proceedings of the steamer Alabama at the Cape of Good Hope.

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[1] For a further representation made by Mr. Adams as to the capture of the Sea Bride, see general correspondence laid before Parliament, ("North America, No. 3, 1864,") vol. iv, No. 3.

Inasmuch as your lordship intimates that further explanations will be made to my Government through the agency of Her Majesty's minister at Washington, I shall confine myself to the transmission of a copy of your note.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[327] *No. 19.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 24, 1863. (Received November 24.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that Rear-Admiral Sir Baldwin Walker has reported that the Alabama left the Cape of Good Hope on the 25th September, and had not since been heard of by him. The Vanderbilt was reported as having reached the Mauritius.

Alabama left the Cape September 25.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 20.

Mr. Elliot to Mr. Hammond.

[Extract.]

DOWNING STREET, *December* 9, 1863. (Received December 10.)

I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, a copy of a dispatch which his grace has addressed to the governor of the Cape.

Instructions given to the governor.

[Inclosure in No. 20.]

The Duke of Newcastle to Governor Sir P. Wodehouse.

DOWNING STREET, *November* 4, 1863.

SIR: I have received your dispatch of the 19th August last, submitting for my consideration various questions arising out of the proceedings at the Cape of Good Hope of the confederate vessels Georgia, Alabama, and her reputed tender the Tuscaloosa.

I will now proceed to convey to you the views of Her Majesty's government on these questions.

The capture of the Sea Bride by the Alabama is stated to have been effected beyond the distance of three miles from the shore, which distance must be accepted as the limit of territorial jurisdiction according to the present rule of international law upon that subject. It appears, however, that the prize, very soon after her capture, was brought within the distance of two miles from the shore; and as this is contrary to Her Majesty's orders, it might have afforded just grounds (if the apology of Captain Semmes for this improper act, which he ascribed to inadvertence, had not been accepted by you) for the interference of the colonial authorities upon the principles which I am about to explain.

With respect to the Alabama herself, it is clear that neither you nor any other authority at the Cape could exercise any jurisdiction over her, and that, whatever may have been her previous history, you were bound to treat her as a ship of war belonging to a belligerent power.

With regard to the vessel called the Tuscaloosa, I am advised that this vessel did not lose the character of a prize captured by the Alabama, merely because she was at the time of her being brought within British waters armed with two small rifled guns, in charge of an officer, and manned with a crew of ten men from the Alabama, and used as a tender to that vessel, under the authority of Captain Semmes.

It would appear that the Tuscaloosa is a bark of 500 tons, captured by the Alabama off the coast of Brazil, on the 21st June last, and brought into Simon's Bay on or before the 7th of August, with her original cargo of wool (itself, as well as the vessel, prize) still on board, and with nothing to give her a warlike character, (so far as is stated in the papers before me,) except the circumstances already noticed.

Whether, in the case of a vessel duly commissioned as a ship of war, after being made prize by a belligerent government, without being first brought *infra præsidia*, or condemned by a court of prize, the character of prize, within the meaning of Her Majesty's orders, would or would not be merged in that of a national ship of war, I am not called upon to explain. It is enough to say that the citation from Mr. [328] Wheaton's *book by your attorney general does not appear to me to have any direct bearing upon the question.

Connected with this subject is the question as to the cargoes of captured vessels which is alluded to at the end of your dispatch. On this point I have to instruct you that Her Majesty's orders apply as much to prize-cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters as to the captured vessels themselves. They do not, however, apply to any articles which may have formed part of any such cargoes, if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

I think it right to observe that the third reason alleged by the attorney general for his opinion assumes, (though the fact had not been made the subject of any inquiry,) that "no means existed for determining whether the ship had or had not been judicially condemned in a court of competent jurisdiction," and the proposition that, *admitting her to have been captured by a ship of war of the Confederate States*, she was entitled to refer Her Majesty's government, in case of any dispute, to the court of her States in order to satisfy it as to her real character." This assumption, however, is not consistent with Her Majesty's undoubted right to determine within her own territory whether her own orders, made in vindication of her own neutrality, have been violated or not.

The question remains what course ought to have been taken by the authorities of the Cape—

1st. In order to ascertain whether this vessel was, as alleged by the United States consul, an uncondemned prize brought within British waters in violation of Her Majesty's neutrality; and,

2d. What ought to have been done if such had appeared to be really the fact.

I think that the allegations of the United States consul ought to have been brought to the knowledge of Captain Semmes while the Tuscaloosa was still within British waters, and that he should have been requested to state whether he did or did not admit the facts to be as alleged. He should also have been called upon (unless the facts were admitted) to produce the Tuscaloosa's papers. If the result of these inquiries had been to prove that the vessel was really an uncondemned prize, brought into British waters in violation of Her Majesty's orders made for the purpose of maintaining her neutrality, I consider that the mode of proceeding in such circumstances, most consistent with Her Majesty's dignity, and most proper for the vindication of her territorial rights, would have been to prohibit the exercise of any further control over the Tuscaloosa by the captors, and to retain that vessel under Her Majesty's control and jurisdiction until properly reclaimed by her original owners.

I have, &c.,
(Signed) NEWCASTLE.

No. 21.

Mr. Elliot to Mr. Hammond.

[Extract.]

DOWNING STREET, *January* 29, 1864. (Received January 30.)

With reference to the proceedings at the Cape of Good Hope of the confederate war-steamer Alabama and her prizes, I am directed by the Duke of Newcastle to transmit to you, for the consideration of Earl

Russell, a copy of a further dispatch from the governor of that colony on the subject; and I am to request that you will state to his lordship that his grace proposes to inform Sir P. Wodehouse that, in the dispatch addressed to him from this office, of which a copy is inclosed, it was not intended to censure his conduct in any respect, or to express a doubt as to its propriety in regard to the Sea Bride.

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[329] [Inclosure 1 in No. 21.]

Governor Sir P. Wodehouse to the Duke of Newcastle.

Government House, *Cape Town, December* 19, 1863.

My Lord Duke: I have had the honor to receive your grace's dispatch of the 4th ultimo, from which I regret to learn that the course taken here relative to the confederate war-steamer Alabama and her prizes has not in some respects given satisfaction to Her Majesty's government.

Explanation of Governor Sir P. Wodehouse.

I must only beg your grace to believe that no pains were spared by the late acting attorney general or by myself to shape our course in what we believed to be conformity with the orders of Her Majesty's government and the rules of international law, as far as we could ascertain and interpret them.

Mr. Denyssen has been so constantly engaged with professional business since the arrival of the mail that I have been prevented from discussing with him the contents of your dispatch; but I think it right, nevertheless, to take advantage of the first opportunity for representing to your grace the state of uncertainty in which I am placed by the receipt of this communication, and for soliciting such further explanations as may prevent my again falling into error on these matters. In so doing I trust you will be prepared to make allowance for the difficulties which must arise out of this peculiar contest, in respect of which both parties stand on a footing of equality as belligerents, while only one of them is recognized as a nation.

In the first place, I infer that I have given cause for dissatisfaction in not having more actively resented the fact that the Sea Bride, on the day after her capture, was brought a short distance within British waters.

Your grace demurs to my having accepted Captain Semmes's apology for this improper act, which he ascribed to inadvertence. You will pardon my noticing that the fact of the act having been done through inadvertence was established by the United States consul himself, one of whose witnesses stated, "the officer in command of the bark came on deck about that time, and stamping his foot as if chagrined to find her so near the land, ordered her farther off, which was done immediately."

I confess that on such evidence of such a fact I did not consider myself warranted in requiring the commander of Her Majesty's ship Valorous to take possession of the Alabama's prize.

The questions involved in the treatment of the Tuscaloosa are far more important and more embarrassing; and first let me state, with reference to the suggestion that Captain Semmes should have been required to admit or deny the allegations of the United States consul, that no such proceeding was required. There was not the slightest mystery or concealment of the circumstances under which the Tuscaloosa had come into and then was in possession of the confederates. The facts were not disputed. We were required to declare what was her actual *status* under those facts. We had recourse to Wheaton, the best authority on international law within our reach—an authority of the nation with whom the question had arisen; an authority which the British secretary for foreign affairs had recently been quoting in debates on American questions in the House of Lords.

Your grace intimates that the citation from this authority by the acting attorney general does not appear to have any direct bearing upon the question.

You will assuredly believe that it is not from any want of respect for your opinion, but solely from a desire to avoid future error, that I confess my inability to understand this intimation, or, in the absence of instructions on that head, to see in what direction I am to look for the law bearing on the subject.

The paragraph cited made no distinction between a vessel with cargo and a vessel without cargo; and your grace leaves me in ignorance whether her character would have been changed if Captain Semmes had got rid of the cargo before claiming for her admission as a ship of war. Certainly, acts had been done by him which, according to Wheaton, constituted a "setting forth as a vessel of war."

Your grace likewise states, "Whether in the case of a vessel duly commissioned as a ship of war, after being made prize by a belligerent government without being first brought *infra præsidia,* or condemned by a court of prize, the character of prize, within the meaning of Her Majesty's orders, would or would not be merged in a national ship of war, I am not called upon to explain."

I feel myself forced to ask for further advice on this point, on which it is quite possible I may be called upon to take an active part. I have already, in error, apparently, admitted a confederate prize as a ship of war. The chief authority on [330] *international law in which it is in my power to refer is Wheaton, who apparently draws no distinction between ships of war and other ships when found in the position of prizes, and I wish your grace to be aware that within the last few days the commander of a United States ship of war observed to me that if it were his good fortune to capture the Alabama he should convert her into a Federal cruiser.

Intention of Federal captain to convert Alabama into a cruiser if captured.

I trust your grace will see how desirable it is that I should be fully informed of the views of Her Majesty's government on these points, and that I shall be favored with a reply to this dispatch at your earliest convenience.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 2 in No. 21.]

The Duke of Newcastle to Governor Sir P. Wodehouse, November 4, 1863.

[See inclosure in No. 20.]

No. 22.

The secretary to the admiralty to Mr. Hammond.

[Extract.]

ADMIRALTY, *February* 15, 1864. (Received February 15.)

I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 5th January, from Rear-Admiral Sir Baldwin Walker, with copies of its inclosure, reporting that the bark Tuscaloosa, under the confederate flag, has been detained by the British authorities at Simon's Bay, Cape of Good Hope, until she can be transferred to her lawful owners, for violation of Her Majesty's orders for the maintenance of neutrality, the vessel being considered as an uncondemned prize, captured by the confederate vessel of war Alabama.

Detention by rear-admiral, acting on opinion of law-officers.

[Inclosure 1 in No. 22.]

Rear-Admiral Sir B. Walker to the secretary to the admiralty.

NARCISSUS, *Simon's Bay, January* 5, 1864.

SIR: I request you will be pleased to acquaint my lords commissioners of the admiralty that the bark called the Tuscaloosa, under the flag of the Confederate States of North America, (referred to in my letter of the 19th August last,) termed a tender to the Alabama, returned to this anchorage on the 26th ultimo from cruising off the coast of Brazil.

2. In order to ascertain the real character of this vessel, I directed the boarding-officer from my flag-ship to put the questions as per inclosure to the officer in command, Lieutenant Low, of the Alabama, and having satisfied myself from his answers that the vessel was still an uncondemned prize captured by the Alabama under the name of the Conrad, of Philadelphia, I communicated the circumstances to the governor of this colony, who, concurring in opinion with me that she ought to be retained under Her Majesty's control and jurisdiction until reclaimed by her proper owners, for violation of Her Majesty's orders for the maintenance of her neutrality, I caused the so-called

Tuscaloosa to be taken possession of, informing Lieutenant Low at the same time of the reason for doing so.

3. Lieutenant Low has entered a written protest against the seizure of the vessel, the copy of which, together with the reply of the governor, I inclose for their lordships information, as well as a copy of all the correspondence which has passed on this subject.

Protest of Lieutenant Low.

4. Lieutenant Low having informed me that he expects the Alabama shortly to arrive at this place, I have allowed him and his crew to remain on board the Conrad for the present; but should the Alabama not make her appearance, I have acquainted him that I will grant him and his officers (probably only one besides himself) a passage to England in one of the packets. The crew he wishes to discharge if there is no opportunity of their rejoining the Alabama.

5. The vessel in question is at present moored in this bay, in charge of an officer [331] *and a few men belonging to Her Majesty's ship Narcissus, where she will remain until she can be properly transferred to her lawful owners, as requested by the governor.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 2 in No. 22.]

Questions to be put to the officer in command or charge of the bark Tuscaloosa, carrying the flag of the so-called Confederate States of America.

Questions put to him.

Ship's name and nation?—Tuscaloosa. Confederate.

Name and rank of officer in command?—Lieutenant Low, late Alabama.

Tonnage of the ship?—Five hundred.

Number of officers and men on board?—Four officers and 20 men.

Number and description of guns on board?—Three small brass guns, two rifled 12-pounders, and one smooth-bore -pounder.

Where is she from?—Saint Katharine's, Brazils.

Where is she bound?—Cruising.

For what purpose has the ship put into this port?—For repairs and supplies.

Is it the same ship that was captured by the Alabama, and afterward came to this port on the 9th of August last?—Yes.

What was her original name on being captured by the Alabama?—Conrad, of Philadelphia.

When was she captured by Alabama?—June 21, 1863.

To what nation and to whom did she belong before her capture?—Federal States of America.

Has she been taken before any legally constituted admirality court of the Confederate States?—No.

Has she been duly condemned as a lawful prize by such court to the captors?—No.

What is she now designated?—Tender to the Alabama.

What papers are there on board to constitute her as the confederate bark Tuscaloosa?—The commission of the lieutenant commanding the Tuscaloosa from Captain Semmes. The officers also have commissions to their ship from him.

Are the papers which belonged to her before she was seized by the Alabama on board?—No.

Is there any cargo on board, and what does it consist of?—No cargo; only stores for ballast.

(Signed) JOHN LOW,
Lieutenant Commander, Confederate States bark Tuscaloosa.
(Signed) FRANCIS L. WOOD,
Lieutenant and Boarding-Officer, Her Majesty's Ship Narcissus.

[Inclosure 3 in No. 22.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, December* 26, 1863.

SIR: In consequence of the arrival of the Tuscaloosa (the vessel captured by the Confederate States ship of war Alabama on the 21st June last) having again returned to this anchorage this evening, I called upon the officer in command to answer the inclosed questions, which, together with the replies, I forward for your excellency's information.

Detention of the Tuscaloosa on returning to the Cape, December 26.

As it appears that this vessel, the Tuscaloosa, late Federal ship Conrad, is an uncondemned prize, brought into British waters in violation of Her Majesty's orders made for the purpose of maintaining her neutrality, I therefore consider that she ought to be detained with the view of her being reclaimed by her original owners, in accordance with the opinion of the law-officers of the Crown forwarded for my guidance, the copy of which I have already transmitted to you.

I have, &c.,
(Signed) B. W. WALKER.

[For opinion referred to in preceding letter, see No. 14.]

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[332] *[Inclosure 4 in No. 22.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

CLAREMONT, *December* 27, 1863.

Governor concurs in the detention.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of yesterday's date, and to state that, after careful consideration of the instructions received by the last mail from Her Majesty's government, and of the view taken by them of our former proceedings with respect to the Tuscaloosa, I concur in your opinion that it will be proper to retain that vessel under Her Majesty's control and jurisdiction until properly reclaimed by her original owners.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 5 in No. 22.]

Rear-Admiral Sir B. Walker to Lieutenant Low, C. S. N.

NARCISSUS, *Simon's Bay, December* 27, 1863.

SIR: As it appears that the Tuscaloosa, under your charge and command, is a vessel belonging to the Federal States of America, having been captured by the Confederate States ship of war Alabama, and not having been adjudicated before any competent prize-court, is still an uncondemned prize, which you have brought into this port in violation of Her Britannic Majesty's orders for the maintenance of her neutrality, I have the honor to inform you that, in consequence, I am compelled to detain the so-called Tuscaloosa, (late Conrad,) with the view of her being restored to her original owners; and I request you will be so good as to transfer the charge of the vessel to the officer bearing this letter to you.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 6 in No. 22.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, December* 28, 1863.

SIR: I have the honor to inform your excellency that, acting upon your concurrence in my opinion with reference to the instructions received from home by the last mail, I have detained the bark Tuscaloosa, (late Conrad, of Philadelphia,) because she is an uncondemned prize, taken by the Confederate States ship of war Alabama, and brought into British waters in violation of Her Majesty's orders for maintaining her neutrality, and with the view to her being restored to her original owners.

I shall be ready to hand her over to the consul of the United States at Cape Town, or to any person you may appoint to take charge of her.

I should add that Lieutenant Low has given up the Tuscaloosa (late Conrad) under protest, which he is about to make in writing, a copy of which shall be transmitted to your excellency as soon as received.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 7 in No. 22.]

Lieutenant Low, C. S. N., to Rear-Admiral Sir B. Walker.

TUSCALOOSA, *Simon's Bay, Cape of Good Hope, December* 28, 1863.

SIR: I have the honor to inclose, for your information, copy of a letter which I have forwarded this day to his excellency the governor of the colony on the subject of the seizure in this port of the confederate ship Tuscaloosa.

Correspondence with Lieutenant Low.

I am, &c.,
(Signed) JOHN LOW.

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[333] *[Inclosure 8 in No. 22.]

Lieutenant Low, C. S. N., to Governor Sir P. Wodehouse.

TUSCALOOSA, *Simon's Bay, Cape of Good Hope, December* 28, 1863.

SIR: As the officer in command of the Confederate States ship Tuscaloosa, tender to the Confederate States steamer Alabama, I have to record my protest against the recent extraordinary measures which have been adopted toward me and the vessel under my command by the British authorities of this colony.

Correspondence with Lieutenant Low.

In August last the Tuscaloosa arrived in Simon's Bay. She was not only recognized in the character which she lawfully claims to be, viz, a commissioned ship of war belonging to a belligerent power, but was allowed to remain in the harbor for the period of seven days, taking in supplies and effecting repairs, with the full knowledge and sanction of the authorities.

No intimation was given that she was regarded merely in the light of an ordinary prize, or that she was considered to be violating the laws of neutrality. Nor when she notoriously left for a cruise on active service was any intimation whatever conveyed that on her return to the port of a friendly power, where she had been received as a man-of-war, she would be regarded as a "prize," as a violator of the Queen's proclamation of neutrality, and consequently liable to seizure. Misled by the conduct of Her Majesty's government, I returned to Simon's Bay on the 26th instant, in very urgent want of repairs and supplies. To my surprise I find the Tuscaloosa is now no longer considered as a man-of-war, and she has, by your orders, as I learn, been seized for the purpose of being handed over to the person who claims her on behalf of her late owners.

The character of the vessel, viz, that of a lawful commissioned man-of-war of the Confederate States of America, has not been altered since her first arrival in Simon's Bay, and she having been once fully recognized by the British authorities in command in this colony, and no notice or warning of change of opinion, or of friendly feeling, having been communicated, by public notification or otherwise, I was entitled to expect to be again permitted to enter Simon's Bay without molestation.

In perfect good faith I returned to Simon's Bay for mere necessaries, and in all honor and good faith in return I should, on change of opinion or of policy on the part of the British authorities, have been desired to leave the port again.

But by the course of proceedings taken I have been (supposing the view now taken by your excellency's government to be correct) first misled and next entrapped.

My position and character of my ship will most certainly be vindicated by my government. I am powerless to resist the affront offered to the Confederate States of America by your excellency's conduct and proceedings.

I demand, however, the release of my ship; and if this demand be not promptly complied with, I hereby formally protest against her seizure, especially under the very peculiar circumstances of the case.

I have, &c.,
(Signed) JOHN LOW.

[Inclosure 9 in No. 22.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

GOVERNMENT HOUSE, *December* 30, 1863.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of yesterday's date and its inclosures, and beg to forward a copy of the reply given to the protest of the commander of the Tuscaloosa.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[334] *[Inclosure 10 in No. 22.]

Mr. Rawson to Lieutenant Low, C. S. N.

COLONIAL OFFICE, *December* 29, 1863.

Correspondence with Lieutenant Low.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date protesting against the seizure of the Tuscaloosa, whose character you represent to be the same as when, in August last, she was admitted into the port of Simon's Bay, and I am to acquaint you, in reply, that a full report was submitted to Her Majesty's government of all that took place on the first visit of the Tuscaloosa, and that the seizure has now been made in conformity with the opinion expressed by them on that report.

Your protest will, of course, be transmitted for their consideration.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 11 in No. 22.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, December* 29, 1863.

SIR: Lieutenant Low, the officer belonging to the Confederate States ship-of-war Alabama, late in charge of the bark called the Tuscaloosa, (properly the Conrad, of Philadelphia,) having sent me a copy of the protest which he has forwarded to your excellency against the detention of that vessel, I think it right to inclose, for your information, the copy of my letter to Lieutenant Low, explaining the circumstances under which the so-called Tuscaloosa is detained.

I have, &c.,
(Signed) B. W. WALKER.

N. B.—I beg to inclose a list of the officers and men on board the Conrad, (late Tuscaloosa,) as well as an inventory of stores, &c., on board, distinguishing those which are said to belong to the Alabama.

B. W. W.

[Inclosure 12 in No. 22.]

List of officers and crew and of stores on board.

List of confederate officers and crew on board the bark Conrad, late Tuscaloosa.

Name.	Rank or rating.	Whence.
J. Low	Lieutenant commanding	
W. H. Sinclair	Master	
J. T. Merior	Master's mate	
A. Marmilstein	do	
Martin Molk	Boatswain's mate	Alabama, June 22, 1863.
R. Owens	do	Do.
H. Legris	Quartermaster	Do.
E. Jones	do	Do.
T. Williams	Ship's cook	Do.
R. Williams	A. B	Do.
W. Jones	do	Do.
W. Gibbs	do	At sea, August 17, 1863.
E. Morrell	do	Do.
A. Anderson	Ordinary	Do.
H. Anderson	do	Do.
S. Roberts	do	Do.
T. Allman	Steward	Talisman, June 21, 1863.
W. Renton	A. B	Alabama, June 21, 1863.
S. Brewer	do	Do.
J. Duggan	do	Do.
J. Ross	Ordinary	At sea, August 17, 1863.
C. Carew	do	Do.
S. Robertson	Carpenter's mate	Do.
Ben. Backstay	Ordinary	Do.

[335] **List of stores and fittings belonging to the bark Conrad.*

1 chronometer.
1 barometer.
2 sextants.
1 telescope.
2 time-pieces.
1 Brazilian ensign.
1 American ensign.
1 long-boat.
2 cutters.
1 bower anchor, 26 cwt.
1 kedge anchor, 6 cwt.
1 kedge anchor, 3 cwt.
2 chain cables, 85 fathoms.
1 box of charts.
Standing and running rigging complete, but in very bad condition.
No spare stores of any description on board.

(Signed) JOHN LOW,
Lieutenant Commanding Confederate States Bark Tuscaloosa.
W. R. KENNEDY,
Lieutenant Her Majesty's Ship Narcissus.

List of stores belonging to the confederate sloop of war Alabama on board the Conrad.

1 chronometer.
3 sextants.
1 telescope.
1 code of signals and signal-book.
1 Dutch ensign.
1 confederate ensign.
22 rifles and bayonets.
2 12-pounder rifled brass guns.
1 12-pounder smooth-bore brass gun.
2 barrels gunpowder, (100 lbs. each.)
100 cartridges, (1 lb. each.)
6 12-pounder rifle shot.
6 12-pounder round shot.
500 ball-cartridges.
500 percussion-caps.
12 revolver pistols.
300 ball-cartridges for pistols.
500 percussion-caps for pistols.
5 cutlasses.
8 water-casks.
3 charts.

(Signed) JOHN LOW,
Lieutenant Commanding Confederate States Bark Tuscaloosa.
W. R. KENNEDY,
Lieutenant Her Majesty's Ship Narcissus.

[Inclosure 13 in No. 22.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

GOVERNMENT HOUSE, *Cape Town, January* 4, 1864.

SIR: I beg to acquaint your excellency that it appears from a communication received from the consul for the United States that he is not in a position to receive charge of the Tuscaloosa on account of her original owners, and that he, therefore, desires her to remain for the present in charge of the British authorities. Under these circumstances, and as I cannot take charge of the vessel without entailing some expense on Her Majesty's government, I am induced to ask whether it will be in your excellency's power to make arrangements for her safe custody until she can be properly transferred to her lawful owners.

I have, &c.,
(Signed) P. E. WODEHOUSE.

No. 23.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *February* 25, 1864. (Received February 25.)

SIR: With reference to previous correspondence on this subject, I am directed by the Duke of Newcastle to transmit to you, for the consideration of Earl Russell, the accompanying copies of two dispatches received from the governor of the Cape of Good Hope, reporting the circumstances connected with the seizure of the Tuscaloosa by the colonial government.

Report from governor as to detention of Tuscaloosa.

I am, &c.,
(Signed) FREDERIC ROGERS.

[336] *[Inclosure 1 in No. 23.]

Governor Sir P. Wodehouse to the Duke of Newcastle.

GOVERNMENT HOUSE, *Cape Town, January* 11, 1864.

MY LORD DUKE: I very much regret having to acquaint your grace that the confederate prize-vessel, the Tuscaloosa, has again entered Simon's Bay, and that the naval commander-in-chief and myself have come to the conclusion that, in obedience to the orders transmitted to his excellency by the admiralty, and to me by your grace's dispatch of the 4th November last, it was our duty to take possession of the vessel, and to hold her until properly claimed by her original owners. The admiral therefore sent an officer with a party of men from the flag-ship to take charge of her, and to deliver to her commander a letter in explanation of the act. Copies of his protest, addressed to me, and of my reply, are inclosed. He not unnaturally complains of having been now seized after he had on the previous occasion been recognized as a ship of war. But this is manifestly nothing more than the inevitable result of the overruling by Her Majesty's government of the conclusion arrived at on the previous occasion by its subordinate officer.

The consul for the United States, on being informed of what had taken place, intimated his inability to take charge of the ship on account of the owners, and expressed a desire that it should remain in our charge until he was put in possession of the requisite authority. Accordingly, after taking the opinion of the attorney general, it was arranged that the vessel should remain in the charge of Sir Baldwin Walker.

I ought to explain that the seizure was made without previous reference to the attorney general. I did not consider such a reference necessary. The law had been determined by Her Majesty's government on the previous case. The admiral was of opinion that we had only to obey the orders we had received, and, on his intimating that opinion, I assented.

Your grace will observe that, at the request of the officers of the Tuscaloosa, the admiral has permitted them to remain on board in expectation of the immediate arrival of the Alabama, to which ship they wished to return. I should otherwise have thought it my duty to provide them with passages to England at the cost of Her Majesty's government, by whom, I conclude, they would be sent to their own country; and it is probable that if the Alabama should not soon make her appearance such an arrangement will become necessary.

I have only to add that I have thought it advisable, after what has now occurred, to intimate to the United States consul that we should probably be under the necessity of adopting similar measures in the event of an uncondemned prize being fitted for cruising and brought into one of our ports by a Federal ship of war. I did not speak positively, because I have been left in doubt by your grace's instructions whether some distinction should not be drawn in the case of a ship of war of one belligerent captured and applied to the same use by the other belligerent, but the consul was evidently prepared for such a step. Copies of all the correspondence are inclosed.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 2 in No. 23.]

Mr. Rawson to Mr. Graham.

COLONIAL OFFICE, *December* 28, 1863.

Correspondence with United States consul as to detention of Tuscaloosa.

SIR: I am directed by the governor to acquaint you that the Tuscaloosa, having again arrived in Simon's Bay, will, under instructions lately received from Her Majesty's government, be retained under Her Majesty's control and jurisdiction until properly reclaimed by her original holders.

I have, &c.,
(Signed) RAWSON W. RAWSON,
Colonial Secretary.

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[337] *[Inclosure 3 in No. 23.]

Mr. Graham to Governor Sir P. Wodehouse.

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, December 29, 1863.

SIR: I have to acknowledge the receipt of your letter of yesterday's date in reference to the Tuscaloosa.

By virtue of my office as consul for the United States of America in the British possessions of South Africa, of which nation the original owners of the Conrad, *alias* Tuscaloosa, are citizens, I possess the right to act for them when both they and their special agents are absent. I can institute a proceeding *in rem* where the rights of property of fellow-citizens are concerned without a special procuration from those for whose benefit I act, but cannot receive actual restitution of the *res* in controversy without a special authority. (See United States Statutes at Large, vol. i, p. 254, notes 2 and 3.)

Under these circumstances I am content that the vessel in question should, for the present, or until the properly authenticated papers and power of attorney shall be received from the owners in America, remain in possession and charge of Her Majesty's naval officers. But should it hereafter be determined to give the vessel up to any party other than the real owners, I desire to have sufficient notice of the fact, so that I may take the proper steps to protect the interests of my absent fellow-citizens.

With regard to the property of American citizens seized here at the custom-house, and which was formerly part of the Sea Bride's cargo, I would suggest that it also be held by the colonial government, subject to the order of the original owners. An announcement to that effect from you would be received with great satisfaction by me.

I have, &c.,
(Signed) WALTER GRAHAM,
United States Consul.

[Inclosure 4 in No. 23.]

Governor Sir P. Wodehouse to the Duke of Newcastle.

GOVERNMENT HOUSE,
Cape Town, January 19, 1864.

MY LORD DUKE: With reference to my dispatch of the 11th instant I beg to transmit, for your grace's consideration and instructions, copies of further correspondence with the naval commander-in-chief, the consul of the United States, and the commander of the Tuscaloosa.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 5 in No. 23.]

Lieutenant Kennedy and Mr. Pounds to Sir B. Walker.

NARCISSUS, *Simon's Bay, January* 13, 1864.

SIR: In compliance with your order of the 12th instant we have been on board the bark Conrad, of Philadelphia, to confer with Captain J. Hoets, the United States consular agent, upon the condition of the said ship about to be restored to her original owners, and as we have agreed to and signed the report drawn up by Captain Hoets for the information of the United States consul, we have the honor to forward a copy of the same, with a notation signed by Captain Hoets, which furnishes the necessary record of the transaction.

We have, &c.,
(Signed) W. R. KENNEDY, *Lieutenant.*
THOMAS POUNDS.

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[338] *[Inclosure 6 in No. 23.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

GOVERNMENT HOUSE,
Cape Town, January 19, 1864.

Armament of Tuscaloosa placed in government dock-yard.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 13th instant, and in transmitting copies of correspondence which has passed with the consul of the United States and the commander of the Tuscaloosa, I have to beg that you will be good enough to give directions for the property alleged to belong to the Alabama being stored in the dock-yard as proposed.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 7 in No. 23.]

Lieutenant Low, C. S. N., to Governor Sir P. Wodehouse.

CAPE TOWN, *January* 14, 1864.

SIR: I beg to acknowledge receipt of your letter of yesterday, in which I am informed that it is your excellency's intention to request the naval commander-in-chief to allow the arms and ammunition belonging to the Confederate States to be stored in the dockyard at Simon's Town.

While thanking your excellency for this intention, I beg to state that as these were placed in my charge by Captain Semmes, of the confederate steamship Alabama, I should prefer handing them to his agents in this colony to be stored by them under the usual customs regulations until instructions can be received as to their disposal, and would respectfully solicit your excellency's permission to have them landed, as I purpose leaving for England by the next mail-steamer.

I have further to thank your excellency on behalf of the officers of the Tuscaloosa for your offer of assistance on leaving the colony, and to state they have already made their arrangements.

I have, &c.,
(Signed) JOHN LOW.

[Inclosure 8 in No. 23.]

Mr. Rawson to Lieutenant Low.

COLONIAL OFFICE, *January* 18, 1864.

SIR: I am directed by the governor to acknowledge the receipt of your letter of the 14th instant, and to state that, on full consideration of the case, he thinks it advisable to adhere to the proposal already made, that the guns and other property alleged to belong to the Alabama should be placed in the dock-yard at Simon's Town. They will then be subject to such orders as Her Majesty's government may be pleased to make in the matter.

I am also to transmit to you, for your information, copies of a letter which has been received from the consul of the United States, and of the reply given to it by his excellency's directions.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 9 in No. 23.]

Mr. Graham to Governor Sir P. Wodehouse.

UNITED STATES CONSULATE,
Cape Town, January 16, 1864.

Cannon claimed by consul as having been taken from the Talisman.

SIR: The report of J. M. Hoets, esq., on the Tuscaloosa, countersigned by Lieutenant Kennedy of the Narcissus, has been received, and a copy furnished to Admiral Walker. Appended to that report is a list of articles claimed by Lieutenant Low of the Tuscaloosa, as belonging to the confederate steamer Alabama. Now, among the articles enumerated in the list are [339] three 12-pounder cannon taken from the *American ship Talisman, and one smaller brass cannon taken from the Sea Bride, as I can prove by the testimony of a competent witness. These cannon I request shall be held for their owners in the same manner as the vessel. Not being able to identify the other articles in this list with perfect certainty, I shall not claim them.

I have, &c.,
(Signed) WALTER GRAHAM,
United States Consul.

[Inclosure 10 in No. 23.]

Mr. Rawson to Mr. Graham.

COLONIAL OFFICE, *January* 18, 1864.

SIR: I am directed by the governor to acknowledge the receipt of your letter of the 16th instant, and to state that the guns to which you refer will be held subject to such instructions as Her Majesty's government may think fit to issue respecting them.

I have, &c.,
(Signed) RAWSON W. RAWSON,
Colonial Secretary.

No. 24.

The secretary to the admiralty to Mr. Hammond.

[Extract.]

ADMIRALTY, *February* 25, 1864. (Received February 25.)

With reference to former correspondence, I am commanded by my lords commissioners of the admiralty to send you herewith for the information of Earl Russell, a copy of a letter from Rear-Admiral Sir Baldwin Walker, dated the 18th January, with copies of its inclosures, relating to the vessel called the Tuscaloosa, and reporting that he has ordered a passage to England in the mail-packet for Lieutenant Low, lately in charge of the Tuscaloosa, and of Mr. Sinclair, his first officer.

Report from admiral.

Passages to England provided for Lieutenant Low and Mr. Sinclair, of the Tuscaloosa.

[Inclosure 1 in No. 24.]

Rear-Admiral Sir B. Walker to the secretary to the admiralty.

NARCISSUS, *Simon's Bay, January* 18, 1864.

SIR: With reference to my letter of the 5th instant, I have the honor to submit, for their lordships's information, a further correspondence between the governor of this colony and myself relative to the American vessel Conrad, of Philadelphia, lately called the Tuscaloosa.

2. Lieutenant Low, belonging to the Confederate States ship of war Alabama, lately in charge of the Tuscaloosa, having paid off and discharged his crew, finally quitted the vessel on the 9th instant; and I have ordered him a passage to England by the mail-packet Saxon, together with his first officer, Mr. Sinclair.

3. The Conrad now remains in charge of a warrant officer and two ship-keepers awaiting to be properly claimed or disposed of as the government may direct.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 2 in No. 24.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, January* 6, 1864.

SIR: With reference to your excellency's communication of yesterday's date, I have the honor to inform you that I will make arrangements for the safe custody of the Conrad, of Philadelphia, (late Tuscaloosa,) by mooring her in this bay and putting ship-keepers in charge of her until she can be properly transferred to her lawful owners.

Lieutenant Low has requested to be allowed to remain on board the vessel, together with his crew, for the present, as he expected the Alabama to arrive here shortly, to which arrangement I have made no objection.

[340] *There are some guns and other articles on board the Conrad said to belong to the Alabama, a list of which I have already forwarded to your excellency. It is a matter for consideration how these things should be disposed of.

I think, as a precautionary measure, it may be desirable that some person on the part of the United States consul should visit the Conrad to observe the state she is in, on being taken into British custody, to prevent any question thereon hereafter.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 3 in No. 24.]

Governor Sir P. Wodehouse to Rear-Admiral Sir B. Walker.

GOVERNMENT HOUSE, *January* 9, 1864.

SIR: With reference to your excellency's letter of the 6th instant, I have the honor to inclose the copy of a letter from the consul of the United States relative to an inspection of the Tuscaloosa.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 4 in No. 24.]

Mr. Graham to Governor Sir P. Wodehouse.

UNITED STATES CONSULATE,
Cape Town, January 8, 1864.

SIR: Your letter of this date is received, and its request complied with. I have appointed Mr. J. M. Hoets, of Simon's Town, to inspect the Tuscaloosa, and to report to me her present condition and equipments. He is also instructed to submit this report to the admiral of the station, or some one authorized to act for him for an indorsed approval or dissent.

When that report is received I will take pleasure in sending you a copy.

I have, &c.,
(Signed) WALTER GRAHAM,
United States Consul.

[Inclosure 5 in No. 24.]

Mr. Hoets to Mr. Graham.

SIMON'S TOWN, *January* 13, 1864.

SIR: Pursuant to your letter of the 8th instant, appointing me to make a survey of the bark Tuscaloosa, now in Simon's Bay, and take an inventory of the movables on board, I now beg to report as follows:

On going on board at 10 a. m. found the vessel lying moored and dismantled, with only stone ballast in her, the hull, as far as can be ascertained, (without probing,) sound, making very little water; decks defective, considerably worn, particularly the poop-deck; the seams open, and some of the planks in a decayed state; outside found seams slack, the metal on her bottom much worn and ragged, about one hundred sheets entirely off in different places.

The general condition of sails and running-rigging very much worn; spars, standing-rigging, boats, anchors, and cables, serviceable; the ship only having one heavy anchor, another was supplied by Her Majesty's dock-yard to moor ship.

Having examined the movables, I am satisfied as to the correctness of the lists taken by Lieutenant Kennedy on the 2d January last, of which the attached are copies.

I have, &c.,
(Signed) J. M. HOETS,
United States Consular Agent.

We concur in the above.
(Signed) W. R. KENNEDY,
Lieutenant, Her Majesty's Ship Narcissus.
THOMAS POUNDS,
Master, Her Majesty's Ship Narcissus.

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[341] *[Inclosure 6 in No. 24.]

Rear-Admiral Sir B. Walker to Governor Sir P. Wodehouse.

NARCISSUS, *Simon's Bay, January* 18, 1864.

SIR: Referring to your communication of the 9th instant relative to the inspection of the Conrad, lately called the Tuscaloosa, I beg to inclose for your excellency's information the report of the condition of this vessel and her equipments, made by Mr. J. Hoets (on the part of the United States consul) and Lieutenant Kennedy and Mr. Pounds, master of Her Majesty's ship Narcissus.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 7 in No. 24.]

List of sails belonging to the bark Conrad, late Tuscaloosa, unbent and stowed in after hold.

Foresail.
Fore topsail.
Fore top-gallant sail.
Fore royal.
Mainsail.
Main topsail.
Main top-gallant sail.
Main royal.
Flying Jib.
Jib.
Fore topmast staysail.
Main topmast staysail.
Main top-gallant staysail.
Mizen topmast staysail.
Main trysail.
Spanker.
Gaff topsail.
2 lower studding-sails.
1 topmast studding-sail.
2 fore top-gallant studding-sails.
Spare:
- 3 top-sails, fore or main, quite worn out.
- 3 top-gallant studding-sails, fore or main, quite worn out.
- Main trysail.

List of running-gear belonging to bark Conrad, late Tuscaloosa, jagged up in five-fathom lengths and stowed in after hold.

Lot 1. Main buntlines.
  Main topsail buntlines.
  Main top-gallant sheets.
  Main trysail out-haul.
  Spanker out-haul.
Lot 2. Fore top-gallant and royal braces.
  Main topsail reef-tackles.
  Main trysail brails.
Lot 3. Jib halliards, sheets, and down-haul.
  Flying-jib halliards, sheets, and down-hauls.
  Fore topmast staysail, halliards, sheets, and down-haul.
  Fore top-gallant sheets.
Lot 4. Main braces.
  Main topsail braces.
Lot 5. Fore braces.
  Fore topsail braces.
Lot 6. Main lifts.
Lot 6. Main topsail clew-lines.
  Main topsail buntlines.
Lot 7. Fore topsail clew-lines.
  Fore topsail buntlines.
  Fore topsail reef-tackles.
Lot 8. Main topsail halliards.
  Fore topsail halliards.
  Fore topmast studding-sail halliards.
Lot 9. Main topmast staysail halliards.
  Main topmast staysail sheets.
  Gaff topsail halliards.
  Gaff topsail sheets.
Lot 10. Fore and main tacks.
  Fore and main sheets.
Lot 11. Main top gear, &c.
Chain topsail ties and pendants. Eighty blocks of various sizes and in good condition.

N. B.—The whole of this rigging is condemnable.

(Signed) W. R. KENNEDY, *Lieutenant.*

SIMON'S BAY, *January* 2, 1864.

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[342] [Inclosure 8 in No. 24.]

List of stores and fittings belonging to the bark Conrad.

1 chronometer.
1 barometer.
2 sextants.
1 telescope.
2 time-pieces.
1 Brazilian ensign.
1 American ensign.
1 long-boat.
2 cutters.
1 bower anchor, 26 cwt.
1 kedge anchor, 6 cwt.
1 kedge anchor, 3 cwt.
2 chain-cables, 85 fathoms.
1 box of charts.

Standing and running rigging complete, but in very bad condition.
No spare stores of any description on board.

(Signed) J. LOW,
Lieutenant Commanding Confederate States Bark Tuscaloosa.
W. R. KENNEDY,
Lieutenant Her Majesty's Ship Narcissus.

List of stores belonging to the confederate sloop of war Alabama on board the Conrad.

1 chronometer.
3 sextants.
1 telescope.
1 code of signals and signal-book.
1 Dutch ensign.
1 confederate ensign.
22 rifles and bayonets.
2 12-pounder rifled brass guns.
1 12-pounder smooth-bore brass gun.
2 barrels gunpowder, 100 pounds each.
100 cartridges, (1 pound.)
6 12-pounder rifle shot.
6 12-pounder round shot.
500 ball-cartridges.
500 percussion-caps.
12 revolver pistols.
300 ball-cartridges for pistols.
500 percussion-caps for pistols.
5 cutlasses.
8 water-casks.
3 charts.

(Signed) J. LOW,
Lieutenant Commanding Confederate States Bark Tuscaloosa.
W. R. KENNEDY,
Lieutenant Her Majesty's Ship Narcissus.

No. 25.

The Duke of Newcastle to Governor Sir P. Wodehouse.

DOWNING STREET, *March* 4, 1864.

Instructions given to Governor Sir P. Wodehouse to restore the Tuscaloosa.

SIR: I have received your dispatches of the 11th and 19th January, reporting the circumstances connected with the seizure of the confederate prize-vessel Tuscaloosa under the joint authority of the naval commander-in-chief and yourself. I have to instruct you to restore the Tuscaloosa to the lieutenant of the Confederate States who lately commanded her, or, if he should have left the Cape, then to retain her until she can be handed over to some person who may have authority from Captain Semmes, of the Alabama, or from the government of the Confederate States to receive her.

You will receive a further communication from me on this subject by the next mail.

I have, &c.,
(Signed) NEWCASTLE.

No. 26.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *March* 10, 1864.

MY LORD: In my dispatch of the 30th of October last I transmitted to your lordship copies of a correspondence with Mr. Adams, and of letters and their inclosures from the Colonial Office and board of admiralty respecting the proceedings at the Cape of Good Hope of the confederate vessels of war Georgia and Alabama, and of the Tuscaloosa, which latter vessel, having been recently captured by the Alabama, was represented to have been armed and to be employed by her as a tender.

[343] The view then taken of these transactions by Her Majesty's government, after *consultation with the law-officers of the Crown, is stated in the dispatch addressed by the Duke of Newcastle to the governor of the Cape on the 4th of November, of which I inclose a copy for your lordship's information.[1]

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[1] Inclosure in No. 20.

The governor of the Cape replied to that dispatch by a dispatch, of which a copy is inclosed,[1] and which was referred by me to the law-officers of the Crown.

I need not trouble your lordship with the observations which have suggested themselves on the remarks which the governor made on the Duke of Newcastle's dispatch; they will doubtless be communicated by his grace to the governor.

It is only as regards the general question involved in the case that any difficulty can arise.

That question is whether a captured vessel, regularly commissioned as a ship of war of the captor's government, before being brought *infra præsidia*, or being condemned, may or may not cease to have the character of a prize within the meaning of Her Majesty's orders against bringing prizes within her ports, as set forth in the letter to the admiralty, Colonial and India Offices of the 1st of June, 1861,[2] of which, for your more ready reference, I inclose a copy.

On the present occasion, however, it seems unnecessary to discuss the general question, because Her Majesty's government are of opinion that the decision on the case of the Tuscaloosa ought to depend upon the particular circumstances of the case of that vessel. The Tuscaloosa was allowed to enter the port of Cape Town and to depart. The instruction of the 4th November not having arrived at the Cape before her departure, the captain of the Alabama was entitled to assume that he might equally bring her a second time into the same harbor. It is not necessary, therefore, to discuss whether on her return to the Cape the Tuscaloosa still retained the character of a prize, or whether she had lost that character and had assumed that of a confederate ship of war, and whether that new character, if properly established and admitted, would entitle her to the same privilege of admission which might be accorded to her captor, the Alabama.

Her Majesty's government have therefore come to the opinion, founded on the special circumstances of this particular case, that the Tuscaloosa ought to be released, with a warning, however, to the captain of the Alabama the ships of war of the belligerents are not to be allowed to bring prizes into British ports, and that it rests with Her Majesty's government to decide to what vessels that character belongs.

I am, &c.,
(Signed) RUSSELL.

No. 27.

The Duke of Newcastle to Sir P. Wodehouse.

DOWNING STREET, *March* 10, 1864.

Dispatch to the governor explaining instructions given to him.

SIR: In my dispatch of the 4th instant I instructed you to restore he Tuscaloosa to the lieutenant of the Confederate States who lately commanded her, or, if he should have left the Cape, then to retain her until she could be handed over to some person having authority from Captain Semmes, of the Alabama, or from the government of the Confederate States, to receive her.

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[1] Inclosure 1 in No. 21.

[2] See Regulations and Instructions published by Her Britannic Majesty's government, vol. iii.

I have now to explain that this decision was not founded on any general principle respecting the treatment of prizes captured by the cruisers of either belligerent, but on the peculiar circumstances of the case. The Tuscaloosa was allowed to enter the port of Cape Town and to depart, the instructions of the 4th of November not having arrived at the Cape before her departure. The captain of the Alabama was thus entitled to assume that he might equally bring her a second time into the same harbor, and it becomes unnecessary to discuss whether, on her return to the Cape, the Tuscaloosa still retained the character of a prize, or whether she had lost that character and had assumed that of an armed tender to the Alabama, and whether that new character, if properly established and admitted, would have entitled her to the same privilege of admission which might be accorded to her captor, the Alabama.

Her Majesty's government have therefore come to the opinion, founded on the special circumstances of this particular case, that the Tuscaloosa ought to be released, [344] *with a warning, however, to the captain of the Alabama that the ships of war of the belligerents are not to be allowed to bring prizes into British ports, and that it rests with Her Majesty's government to decide to what vessels that character belongs.

In conclusion, I desire to assure you that neither in this dispatch nor in that of the 4th November have I desired in any degree to censure you for the course you have pursued. The questions on which you have been called upon to decide are questions of difficulty, on which doubts might properly have been entertained; and I am by no means surprised that the conclusions to which you were led have not, in all instances, been those which have been adopted on fuller consideration by Her Majesty's government.

I have, &c.,
(Signed) NEWCASTLE.

No. 28.

The secretary to the admiralty to Rear-Admiral Sir B. Walker.[1]

ADMIRALTY, *March* 14, 1864.

Instructions given for the guidance of naval officers in cases similar to the Tuscaloosa.

SIR: With reference to former correspondence, I am commanded by my lords commissioners of the admiralty to signify their direction to you to continue to be guided by the instructions contained in Earl Russell's letter of the 1st June, 1861, (inclosed in admiralty letter of that date,) prohibiting prizes captured by the armed ships of the contending parties in North America from being brought into British ports or waters, and by his lordship's further letter of the 31st January, 1862, (inclosed in the admiralty letter of 1st February, 1862,) as to preventing all harbors, ports, coasts, and waters within Her Majesty's territorial jurisdiction being used in aid of the warlike purposes of either belligerent.

Should any captured vessel of a doubtful character—that is, with regard to her having ceased to have the character of a prize—arrive within Her Majesty's territorial jurisdiction in the limits of your command, you will be justified, in conformity with the orders of 1st June, 1861, on due requisition to that effect being made to you by a competent colonial authority, in compelling her to leave such territorial jurisdiction, unless her stay may be necessary for the preservation of life, reporting the circumstances immediately to the admiralty.

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[1] Similar instructions were issued to the commanders-in-chief and senior officers of all other foreign naval stations.

The order for the restoration of the Tuscaloosa to her captors has been given, because the vessel having once been allowed to enter the port of Cape Town and to depart without hinderance, the captain of the Alabama was entitled to assume that he might send her a second time into the same harbor without risk of detention; but in case of the Alabama coming again within the territorial jurisdiction of Great Britain in the limits of your command, Captain Semmes should be reminded that the ships of war of the belligerents are not to be allowed to bring prizes into British ports, and that it rests with Her Majesty's government to decide to what vessels that character belongs, Her Majesty having the undoubted right to determine within her own territory whether her orders made in vindication of neutrality have been violated or not.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 29.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *April* 14, 1864. (Received April 15.)

Claim of United States consul in Mauritius for restitution of goods brought in by Sirene, said to have been part of cargo of Sea Bride.

SIR: I am directed by Mr. Secretary Cardwell to transmit to you for the consideration of Earl Russell the copy of a confidential dispatch from the governor of Mauritius, inclosing copy of a correspondence with the United States consul in that colony, who claims the restitution of certain goods imported in the French bark Sirène, from the French settlement Isle Ste. Marie, Madagascar, as having formed part of the cargo of the ship Sea Bride, of Boston, United States, captured by the confederate cruiser Alabama.

[345] *Mr. Cardwell requests to be favored with Lord Russell's opinion of Sir Henry Barkly's proceedings in this matter, in time to communicate them to him by the next mail.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 29.]

Governor Sir H. Barkly to the Duke of Newcastle.

MAURITIUS, *February* 22, 1864.

Claim of United States consul at Mauritius.

MY LORD DUKE: I have the honor to submit, for the information of Her Majesty's government, copies of correspondence with the United States consul in this colony, respecting a demand made by him for the seizure and restoration by this government of certain goods imported in the French bark Sirène, from the French settlement Isle Ste. Marie, Madagascar, by Christopher Elmstone, of the Cape of Good Hope, which goods are alleged by Mr. Mellen to have formed part of the cargo of the ship Sea Bride, of Boston, United States of America, captured by the confederate cruiser Alabama, off Table Bay, in August last.

2. Even before receipt of your grace's confidential circular of 12th December, forwarding copy of the instructions sent to the governor of the Cape Colony, in consequence of the proceedings of the confederate cruisers on that occasion, the procureur-

général had come to the conclusion that it would not be competent for this government to interfere as desired in the case, as hypothetically stated by the consu some months ago.

3. That conclusion appeared so entirely supported by the latter clause of the eighth paragraph of your grace's dispatch to Sir Philip Wodehouse, that when Mr. Mellen sought to revive the question in his letter of the 27th ultimo herewith, I considered it the shortest plan to inform him that I had ascertained recently that Her Majesty's orders authorizing restitution of uncondemned prizes brought into British ports did not extend or apply to articles which may have formed part of such cargoes when brought in, not by belligerents but by persons who claim property therein by reason of dealings with the captors.

4. Finding this reply by no means satisfactory to the consul, I promised, while declining of course to enter into the discussion he sought to raise as to the propriety of the distinction thus drawn, to bring the question on its own merits under the consideration of the legal adviser whenever the goods actually arrived, and to report to my government his dissent from my decision, if I still found it impossible to comply with his request.

5. Accordingly, when, on the 9th instant, the Sirène arrived, I referred his restatement of the case, which involved some new facts, to the procureur-général, and as Mr. Dickson remained of opinion that the government ought not to interfere even by way of inquiry, or to take any steps against Christopher Elmstone as a British subject accused of contravening Her Hajesty's proclamation of neutrality, I beg now to forward the papers to your grace, together with the final protest of the consul.

6. I hope to receive in reply an intimation that I have acted in accordance with the views of Her Majesty's government throughout the matter; not so much for my own satisfaction, for my decision was uninfluenced by personal feelings, and I regard Mr. Mellen's disappointment and chagrin as so natural that I readily excuse the somewhat undiplomatic appeal he has thought proper subsequently to make to the local press, but because it is quite probable, as predicted by the consul, that this decision, coupled with the facilities which the proximity of Madagascar offers for irregular transactions, will have the effect of attracting to this port other uncondemned prize goods captured by the confederate cruisers.

7. It becomes, therefore, very desirable that I should have precise instructions from Her Majesty's government for my future guidance.

I have, &c.,
(Signed) HENRY BARKLY.

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[346] *[Inclosure 2 in No. 29.]

Mr. Mellen to Mr. Rushworth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Port Louis, January 27, 1864.

SIR: In my letter to you dated December 8, 1863, I informed you that in a certain contingency I should have the honor of calling your attention again to the same subject, and of requesting the action of the colonial government for the protection of American interests. Allow me briefly to state the grounds and the object of the interference demanded.

1. Some time during the month of September, 1863, there arrived at Foulpointe, Madagascar, an American vessel which had been captured by the so-called confederate cruiser Alabama, but which had not been condemned by any competent prize court.

2. This vessel was the Sea Bride, of 447 tons register, belonging to Boston, United States of America, and owned by C. F. White, of said city.

3. On her arrival at Foulpointe, or when first seen by my informers, she was under the Hamburg flag, and had the name Helene on her stern, which had been recently painted.

4. While the said vessel was lying at Foulpointe, one Christopher Elmstone, who represents himself as a British subject, resident at Cape Colony, and who also represents himself to be the owner of the so-called Helene's cargo, chartered the brig Reward of this port, of Port Louis, to convey the said cargo to this place.

5. This cargo, as appears by the bills of lading, copies of which are herewith inclosed, and the original of which are at any time producible, was an assorted one, consisting of flour, tobacco, hams, &c.

7. A large part, if not all of this cargo, was transshipped directly from the so-called Helene to the Reward without having been landed.

7. Having received her cargo, the said Reward started on her voyage toward this

port, but, springing a leak, was compelled to put into Ste. Marie's, where the said Reward was condemned, and the merchandise placed in store.

8. Soon after disposing of her cargo the Sea Bride, alias Helene, appeared in the port of Ste. Marie, having then no name upon her stern, and flying the so-called confederate flag.

9. The aforesaid Christopher Elmstone having arrived on this island, and having learned the fate of the Reward, and the position of her cargo, chartered of the same owner or agent another vessel, called the Sirene, to proceed to Ste. Marie, and bring hither the aforesaid cargo.

10. The said Sirene sailed from this port on the 6th instant, and may therefore, should circumstances be usually favorable, be expected to return here somewhere from the 1st to the 10th of next month.

11. The witnesses on whom I rely to substantiate the truth of these statements are Messrs. Gustave Hugon, late master of the said Reward, Adolphe Cadier, late first mate of said Reward, the honorable commandant of Ste. Marie, and a seaman named Henry Clarence, now on his way to Cork, but whose affidavit I expect from there immediately on his arrival. He was for a considerable period on board the Sea Bride, alias Helene, and can depose to the identity of the two.

12. I have the honor to lay before you these facts, to indicate the evidence by which they can be proved, to point out to you the evidently piratical act committed by those who have thus sought to appropriate uncondemned American property. It becomes my duty also to point out to you the breach of neutrality already committed by the said Christopher Elmstone, one of Her Majesty's subjects, and the still further breach of neutrality threatened in bringing the aforesaid uncondemned merchandise to this port for sale.

13. As a private individual, I beg to inform you of these acts and purposes, and to ask for the vindication of Her Majesty's laws.

14. As the representative of American interests in this island, I beg to call your attention to them, and respectfully to demand the interference of the colonial government for the protection of those interests, and the seizure of the aforesaid merchandise immediately upon its arrival, until the question of its legal ownership is determined.

I have, &c.,
(Signed) W. R. G. MELLEN,
United States Consul.

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[347] [Inclosure 3 in No. 29.]

Bills of lading.

Je, G. Hugon, capitaine du brick anglais nommé le Reward, à présent devant Foulpointe, Madagascar, pour du premier temps convenable suivre mon voyage sous la garde de Dieu, jusqu'au devant de la ville de Port Louis, là où sera ma décharge, confesse avoir reçu dans mon dit navire et sous le franc tillac d'icilui de vous M. Jeannette Charles—

8,820 douvelles pour fordage.
20,370 douvelles pour à fret.
H. 74 barriques jambons.
B. 4 touques soda.
A. 4 caisses coliers de coleurs.
R. C. 10 caisses poids et balances.
468 caisses de savon.
10 boites peinture blanche.
37 caisses pendules diverses.
385 caisses biscuits divers.
294 caisses bougies.
61 fromages.
E. 1 caisse papier.
E. 1 barril.
C. 1 caisse brosses.

Le tout, sec, plien, bien conditionné et marqué de la marque ci-à-côté, que je promet délivrer en même forme, sauf les périls et fortunes de la mer, à M. Jeanette Charles, ou à ordre, en me payant pour mon fret la somme de spécifier sur la charte-partie en outre les avaries et coutumes de la mer ; et pour l'accomplissement de ce que dessus, j'ai obligé et oblige par cette, ma personne, mes biens, et mon dit navire avec les dependances d'icilui. En foi de quoi j'ai signé trois connaissements d'une même teneur; l'un d'iceux accompli, demeureront les autres de nulle valeur.

Fait à Foulpointe, Madagascar, le 31 Octobre 1863.
(Signé) G. HUGON.

(Of the two other bills, I copy only the description of the merchandise; the agreement between the parties concerning them being the same, *verbatim.*
(Signed) W. R. G. MELLEN,
United States Consul.

Our own.—91 caisses tabac. Paivmount.—58 caisses tabac.
Excelsior.—25 caisses tabac. T. L. B.—29 caisses tabac.
En tout, 203 caisses tabac.

No. 1. Ascarvanna.—430 barriques de farine. Excelsior.—32 barriques de farine.
La Favorita.—467 barriques de farine. Mount Vernon.—200 barriques de farine.
En tout, 1,130.

[Inclosure 4 in No. 29.]

Report of the procureur-général.

The case in which the United States consul claims the interference of this government, and which he undertakes to substantiate by evidence, is this: The United States vessel Sea Bride, with her cargo, having been captured by the confederate Alabama, but not having been condemned by any prize court, arrived at Foulpointe, Madagascar, where the vessel's name was changed, and her cargo was transshipped to the Reward of this port, on a voyage to Port Louis; that the Reward having sprung a leak, and gone to Ste. Marie, the cargo was there disembarked; and the Sirène was afterward chartered to go there, and bring the cargo to Port Louis; and that the cargo is now on its way here in that vessel.

It also appears (paragraph 4, consul's letter) that one Christopher Elmstone "represents himself to be owner" of the cargo in question.

If that person is the owner in consequence of dealings with the captors, or if he shall claim property in the cargo by reason of any such dealings, the case comes within the terms of the Duke of Newcastle's dispatch to Sir P. E. Wodehouse, governor of the Cape, of 4th November, 1863, and is one in which under these directions the government could not interfere.

If, on the other hand, Mr. Elmstone only holds the cargo as agent for the captors, the case would appear to be different.

[348] *Under the consul's letter the case is put on the former footing, and may, in my opinion, be disposed of accordingly.

(Signed) W. G. DICKSON.

FEBRUARY 1, 1864.

[Inclosure 5 in No. 29.]

Mr. Rushworth to Mr. Mellen.

COLONIAL SECRETARY'S OFFICE,
February 3, 1864.

SIR: In reply to your further demand for interference by this government made in your letter of the 27th ultimo, concerning the disposal of the cargo of the American ship Sea Bride, captured by the confederate cruiser Alabama, I have the honor, by directions of his excellency the governor, to inform you that his excellency has, by recent instructions, been apprised that Her Majesty's orders, while authorizing the restoration to their proper owners of uncondemned prize cargoes of any kind which may be brought by any armed ships or privateers of either belligerent into British waters, or of the captured vessels themselves, do not apply to the articles which may have formed part of any such cargoes, if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

I have, &c.,
(Signed) EDW. E. RUSHWORTH.
Acting Colonial Secretary.

[Inclosure 6 in No. 29.]

Mr. Mellen to Mr. Rushworth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Mauritius, February 4, 1864.

SIR: Your reply of the 3d instant to my letter of the 27th ultimo, demanding the interference of the colonial government in regard to the disposal of the cargo of the American ship Sea Bride, captured by the so-called confederate cruiser Alabama, has been received. You will pardon me for saying that my regret is equaled only by my astonishment at the seemingly evasive and altogether unsatisfactory character of your communication. Though there be little hope that anything which may be added can induce his excellency the governor to reconsider and reverse his decision, yet I should fail in my duty were I not to urge upon his attention what seem to me sufficiently valid reasons for his doing so, and to present to him my formal and solemn protest against the determination which he has announced.

You inform me that his excellency has by recent instructions been apprised that Her Majesty's orders, while authorizing the restoration to their proper owners of uncondemned prize cargoes of every kind which may be brought by any armed ships or privateers of either belligerent into British waters, or of the captured vessels themselves, do not apply to the articles which may have formed part of any such cargoes, if brought within British jurisdiction, not by armed ships or privateers of either belligerent, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors.

Of course, as I am not in possession of a copy of the "recent instructions" referred to, I am bound to accept your summary of them on this point as correct, but I must express my surprise at them; for if an unbroken cargo, coming within British jurisdiction uncondemned, should be restored to its lawful owners, it is difficult to say why a portion of such cargo should not be. If a captured cargo brought into British port in a belligerent vessel, or in the vessel in which it was captured, should be surrendered to the real owners, then why not when brought here in some other vessel, into which it may have been transshipped merely for the purpose of covering an illicit transaction? Can the mere transshipment divest the true owner of his property? If the title to captured property cannot vest in the captors previous to its condemnation, then how can they who themselves have no title to it convey one to others, especially when the latter are perfectly well aware of the character of the merchandise they are purchasing?

[349] * It seems, therefore, that a wide distinction in action is here made where there exists little, if any, distinction in principle. Since informed of the seizure of the Tuscaloosa at Cape Town under special instructions of the imperial government, I had confidently anticipated that his excellency would find therein a safe precedent for him to follow in the seizure of the cargo of the Sea Bride. And remembering how the first decision of the governor of Cape Colony in regard to the seizure of the Tuscaloosa was reversed, I do not wholly despair of a similar result in regard to what seems to me the equally unhappy decision of his excellency the governor of Mauritius concerning the cargo of the Sea Bride.

I beg to call his excellency's very serious attention to the grave consequences which must naturally result from his decision. If the principle he has adopted be correct, I see not why Mauritius is not open as a market for any and all uncondemned captured merchandise which the so-called confederate cruisers may send here. Captain Semmes may dispense with his mock prize-court, whose sessions are held in the cabin of the Alabama—the only prize-court which the confederates have yet instituted—for he has only to sell his captured cargoes to British subjects, who, transshipping them into British bottoms on the high seas, may immediately bring them, and without peril, to this port. Indeed, he may convoy his prizes to a point just outside the recognized three-miles' line from the shore, and in plain sight thereof, where a nominal sale and an actual transshipment effected, all the operations of which may be directed from the land, and a few hours after the merchandise may be spread upon the quays of this port. Credible information has reached me, through a person in communication with those who are endeavoring thus piratically to appropriate the cargo of the Sea Bride, that there are other captured American cargoes in a similar situation, the present holders of which are waiting to see what will be the result of the shipment of the Sea Bride's cargo hither to determine whether it will be safe for them to try the same market. It is certainly lamentable—I wish it could be characterized by no harsher phrase—that these persons are thus to be advertised, that they are at liberty to prosecute their thievish purposes in this island.

I am accordingly constrained respectfully to present to his excellency my official and solemn protest against the decision he has announced.

1. I protest against it, as making an unreal distinction between an unbroken captured cargo arriving in an armed vessel, or the vessel in which it was captured, and a broken cargo reaching here in an unarmed ship, or in some other than that in which it was captured.

2. I protest against it as at variance with the universally recognized principle of public law, that no title can vest in or be given to captured merchandise previous to its condemnation.

3. I protest against it as leading to results so grave and disastrous as to make the principle on which it rests absurd.

I have, &c.,
(Signed) W. R. G. MELLEN,
United States Consul.

[Inclosure 7 in No. 29.]

Mr. Rushworth to Mr. Mellen.

COLONIAL SECRETARY'S OFFICE, *February* 11, 1864.

SIR: I have the honor, by direction of the governor, to acknowledge receipt of your letter of the 4th instant, and to state in reply that his excellency, whilst feeling it his duty to decline all discussion as to the policy of the instructions communicated to you, will be ready, in the event of your applying for the interposition of this Government in regard to any property brought into the harbor of Port Louis, to act in conformity with the advice of the procureur-general on the case, and to forward at the same time any protest you may think fit to enter for the consideration of Her Majesty's government.

I have, &c.,
(Signed) EDW. E. RUSHWORTH,
Acting Colonial Secretary.

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[350] * [Inclosure 8 in No. 29.]

Mr. Mellen to Mr. Rushworth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Mauritius, February 10, 1864.

SIR: Naturally enough I am unwilling to omit any evidence which may possibly be successful in recovering for the lawful owners that portion of the cargo of the American ship Sea Bride which has been the subject of so much previous correspondence, and which arrived in this port yesterday on board the French barque Sirène. I therefore have the honor to inclose, for the consideration of his excellency the governor, the accompanying letter from the United States consul at Cape Town, and the affidavit of the seaman James Adams. The latter makes certain the identity of the Sea Bride and the so-called Hellen or Hélène. The former shows that his excellency the governor of Cape Colony, who doubtless has the same instructions as his excellency the governor of Mauritius, understands those instructions very differently, and has done, or promised to do, precisely what I have felt it my duty to demand of this colonial government. Accordingly, in view of this further evidence and of this weighty precedent, I beg leave respectfully to renew my demand for the interposition of this government, and the restoration to me of this pirated American property. But should his excellency not see fit to comply with this demand, I do earnestly urge that he seize the said property, and hold it subject to the instructions of Her Majesty's government.

As I desire to lay these documents before you at as early a moment as possible, and as they have just reached me I do not delay even to copy them.

I will thank you, therefore, to return them to me as soon as will suit your convenience.

I have, &c.,
(Signed) W. R. G. MELLEN,
United States Consul.

[Inclosure 9 in No. 29.]

Affidavit of James Adams.

On this 6th day of November, 1863, personally appeared before me, Walter Graham, consul of the United States for Cape Town, Cape of Good Hope, James Adams, lately a seaman on board the American bark Conrad, and made affidavit that he was on board the steamer Alabama when she captured the American bark Sea Bride at the entrance of Table Bay, and from that time till after the said Alabama arrived at Angra Pequena Harbor; that when the Alabama arrived at said harbor, the Sea Bride aforesaid was lying there, but had not discharged any cargo; that the said Sea Bride was then and there sold and transferred to Thomas Elmstone, of the firm of R. Granger & Co., of Cape Town, for himself or as agent of others; that the said Elmstone did personally take off and superintend the landing of a portion of the cargo of the Sea Bride on Penguin Island, being assisted therein by one called Boyce, commanding a small vessel named the Atlas, belonging to R. Granger & Co. aforesaid, which said Atlas was engaged in landing the goods on the island; that the cargo consisted of flour, crackers, beef, pork, tobacco, hops, clocks, lamp-globes, boots and shoes, and other articles; that the Sea Bride aforesaid was then altered and disfigured in various ways to prevent her identification, the name on her stern being painted out, and the words "Hellen, Hamburg," painted in, her hull painted black, with white port-holes, and her royal masts and figure-head cut away; and that, after being thus and otherwise transformed, the vessel sailed for some port to the deponent unknown, with the said Elmstone on board as owner or supercargo, and one surnamed Cloete, of Cape Town, in command.

Sworn before me, at Cape Town, this sixth day of November A. D. 1863.

(Signed) WALTER GRAHAM, *Consul.*

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[351] *[Inclosure 10 in No. 29.]

Mr. Graham to Mr. Mellen.

UNITED STATES CONSULATE,
Cape Town, January 18, 1863.

SIR: Your last favor in relation to the Sea Bride was received yesterday, and I take the opportunity of sending you the inclosed affidavit of James Adams. It is all the legal evidence I can send you, and I think will suffice.

I know that Elmstone offered me a bribe of £1,000 if I would give my authority to have the vessel brought in here, and sold under my authority; and a friend tells me that the money was paid (£4,500) by Elmstone to Lieutenant Lowe, of the Tuscaloosa, at Saldanha Bay, and Adams says that Lowe brought it on board the Alabama, at Angra Pequena Bay, before anything was done.

So well satisfied is the governor here upon the subject that he has agreed to hand over to me some Sea Bride hops and tobacco which were seized at the custom-house, without going before the courts, and the suit *in rem* I had commenced has therefore been withdrawn.

Yours, &c.,
(Signed) WALTER GRAHAM,
United States Consul.

[Inclosure 11 in No. 29.]

Mr. Mellen to Mr. Rushworth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Mauritius, February 12, 1864.

SIR: I have the honor to acknowledge receipt of your letter of the 11th instant, in reply to mine of the 4th instant, in which you inform me that his excellency will be ready, in the event of your (my) application for the interposition of this government in regard to any property brought into the harbor of Port Louis to act in conformity with the advice of the procureur-général on the case, and to forward, at the same time, any protest you (I) may think fit to enter for the consideration of Her Majesty's government.

I supposed that I had made formal and official demand for such interposition in my letter of the 27th ultimo, and again in my letter of the 10th instant. But as your language implies that a new demand is expected before any action will be taken or the advice of the procureur-général sought, I beg leave now to renew that demand for interposition in regard to the merchandise now on board the French bark Sirène in this port, which merchandise constituted the larger portion of the cargo of the American ship Sea Bride captured by the Alabama.

The grounds on which I base the demand for this interposition I had the honor to submit to you, in my communications of the 27th ultimo, and of the 10th instant, with the inclosures therein contained, to which communications I respectfully beg leave to refer you. My demand is that, upon the grounds thus stated and the evidence as to the facts thus adduced, the property taken from the Sea Bride, and described in the copy of the bills of lading, inclosed as aforesaid, be restored to me, in trust, for those American citizens from whom it has been forcibly taken and from whom it is now unlawfully withheld.

If it shall please his excellency, on the advice of the procureur-général, thus to interpose, there will be no occasion for my entering any protest for the consideration of Her Majesty's government. I await, therefore, his decision, trusting that it will be in harmony with the precedent furnished by the governor of Cape Colony, and with the recognized principles of public law, not to say with that essential which it becomes a great people to illustrate.

I have, &c.,
(Signed) W. R. G. MELLEN,
United States Consul.

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[352] *[Inclosure 12 in No. 29.]

Report by the procureur-général.

Since my report of 1st instant on Legal Report 420, the United States consul has furnished additional information to government to the effect—

1. That the Sea Bride, with her cargo, was taken to Angra Pequena Harbor after her capture; and,

2d. That the cargo, transshipped from the Sea Bride, is now in Port Louis on board of the Sirène.

Assuming that these allegations can be proved, I am of opinion that the fact that the Sea Bride, with her cargo, had been taken within British territory (*i. e.* Angra Pequena Island, if it be such) in breach of neutrality, would not entitle the government to insist that it be restored to its original owners on its being brought to this colony in a merchant-vessel, by persons claiming property in it by reason of dealings with the captors.

Accordingly, I consider that the government ought not to interfere in the matter.

(Signed) W. G. DICKSON.
FEBRUARY 12, 1864.

[Inclosure 13 in No. 29.]

Mr. Rushworth to Mr. Mellen.

COLONIAL SECRETARY'S OFFICE, *February* 13, 1864.

SIR: I am directed by the governor to acknowledge receipt of your letters of 10th and 12th instant, which have been, in accordance with his excellency's promise, as conveyed to you by my letter of the 11th instant, referred for the consideration of the procureur-général; and I am now to inform you that his excellency is advised that, even assuming your statement to be correct that the Sea Bride, with her cargo, has been taken within British territory (*i. e.*, Angra Pequena) in breach of neutrality, the government has no power to insist on the restoration of the cargo to its original owners, on its being brought to this colony in another merchant-vessel, by persons claiming property in it by reason of dealings with the captors.

Under these circumstances, his excellency is unable to interfere in the matter.

I have, &c.,
(Signed) EDW. E. RUSHWORTH,
Acting Colonial Secretary.

[Inclosure 14 in No. 29.]

Mr. Mellen to Mr. Rushworth.

CONSULATE OF THE UNITED STATES OF AMERICA,
Mauritius, February 16, 1864.

SIR: I have the honor to acknowledge the receipt of your communication dated the 13th instant, announcing the final decision of his excellency the governor in regard to my demands for the interference of this government concerning the disposal of the cargo of the Sea Bride. Still I feel that this correspondence would not be properly closed did I not, in reply, point out to his excellency the entire invalidity of his decision, and reiterate my solemn protest against it.

Your letter informs me that his excellency is advised that, assuming your (my) statement to be correct that the Sea Bride, with her cargo, has been taken within British territory (*i. e.*, Angra Pequena) in breach of neutrality, the government has no power to insist on the restoration of the cargo to its original owners, on its being brought to this colony in another merchant-vessel, by persons claiming property in it by reason of dealings with the captors.

In this remark it is assumed that Angra Pequena is within British jurisdiction. Is that assumption correct? Angra Pequena is a little strait or lagoon between Penguin Island and the African continent; the most trustworthy authorities I have been able to consult represent the mainland opposite Penguin Island as belonging to Portugal, so far as it is still not under the dominion of the native tribes. Such is also the [353] case with *Penguin Island and others in the immediate neighborhood. True, on the 13th of August, 1861, Sir George Grey, then governor of Cape Colony, issued a proclamation annexing Ichaboe and other adjacent small islands, including Penguin Island, to his dominions. But by what authority was this done? Has the governor of a British dependency a right thus to annex territory to his possessions without consulting either the native tribes or another civilized nation which claims a prior right, or Her Majesty's government? Is it competent for his excellency the governor of Mauritius thus, with a stroke of his pen, to annex to his dominions any islands or coasts in this part of the world to which he may take a fancy, and which are not already actually occupied by the subjects of some other civilized power? But it may be said that the aforesaid proclamation of Sir George Grey contained the proviso that this annexation should be subject to the approval of Her Majesty's government. And has this approval ever been obtained; or, if obtained, has it ever been published in the Imperial Gazette? If not, what attention is it expected foreign powers will pay to the proclamation of Sir George Grey, or to the claim that Angra Pequena is within British jurisdiction? Further ,has Penquin Island or the adjacent mainland ever been settled by British subjects, or personally taken possession of by British authorities? Or, yet further, has this island on the opposite coast ever been ceded to Great Britain by Portugal, which, as already stated, has a prior claim to it, and whose claim is generally recognized by other powers? If not, what shall be thought of the assumption that Angra Pequena is within British jurisdiction? It is certainly to be hoped that this assumption was not put forth for the purpose of justifying a foregone conclusion,

But supposing Angra Pequina be within British territory, then why was not the Sea Bride seized immediately on her arrival there as having violated the twenty-fourth article of the treaty of 1794? True, there was no United States agent there to demand her seizure in the name of his Government; but was there no British magistrate to exert his authority, and no British force competent to detain a merchant-vessel of 500 tons in this British possession? Surely Her Majesty's officers would not require to be prompted by an American consul to peform so simple a duty, and thus enable their government to keep unsullied its pledged faith with a foreign power. It should be observed, moreover, that while the Sea Bride was admitted to Angra Pequina, into what is claimed as British territory, in direct contravention of the treaty of 1794, she was taken there, not by Federals, but by confederates or their agents. Yet the penalty for this offense, of which two of the parties are about equally guilty, is to be visited upon the third, the only innocent party concerned in the transaction. A species of justice, this, which it would not be difficult nor agreeable to characterize.

But whether Angra Pequina be in British territory or not, the truth probably is that there was no person there to enforce any law. The ship was taken to that secluded place to cover as far as possible the act of her illicit sale, and to disguise her so effectually that she might put to sea with little probability of recognition, and possibly be sold without exposing the criminal parties to detection and punishment. And now to my inexpressible amazement the fact that the said ship has been taken into British territory, which is not "British territory," in direct violation of treaty stipulations, is made the excuse for permitting certain British subjects to appropriate piratically her cargo.

I confess that such is not an issue on which I could believe a British colonial government would be willing to go before the world. It is a pleasure to know that one such government is not willing to do so, the governor of Cape Colony, as stated in the letter of the United States consul at Cape Town, which I had the honor to submit to his excellency on the 10th instant, having agreed to surrender to the said consul a portion of the same cargo of the very Sea Bride.

Allow me, in conclusion, to sum up very briefly the history of this whole matter in the light of simple justice as between man and man. The so-called confederate cruiser Alabama, built in a British port, as confessed by Earl Russell in his speech at Blairgowrie, and by Sir Roundell Palmer in his address at Richmond, armed with British guns, and manned in a large degree with British seamen, and built, armed, and manned for a *soi-disant* government, which, in the language of Sir R. Palmer, "have endeavored to make this country (England) the base of their naval operations" to prey on the commerce of a power with which England is, and with which long may she be, at peace; this Alabama, at the very entrance of Table Bay, at a point where, had a Federal man-of-war encountered her and an action ensued, the city of Cape Town must have suffered greatly, captured the United States merchant-vessel Sea Bride Directly afterward the said vessel was brought by her captors to within one and a hal. miles of the shore. She was subsequently taken to Angra Pequina, doubtless to consummate unlawful agreements previously made, and where no authority could

[354] interpose, and *no voice of remonstrance be heard. The vessel was then variously disguised when she put to sea, and arrived not long after at Foulpointe, Madagascar, under the command of the same person who commanded her at Angra Pequina. At Foulpointe one Elmstone, who represented himself to be the owner of the merchandise on board the Sea Bride, chartered another vessel to bring the said merchandise, none of which had ever been condemned, to this port.

After various mishaps, the said merchandise, whose course, in all its wanderings, has been traced and whose character has been described, arrived at this port. The facts have been laid before his excellency and a demand made for the restoration of this merchandise to its proper owners, in accordance with the treaty of 1794, with the generally recognized principles of public law, and with the precedent furnished by his excellency the governor of Cape Colony, which demand is refused in the words before quoted, viz, "that assuming your [my] statement to be correct, that the Sea Bride, with her cargo, has been taken within British territory (*i. e.*, Angra Pequina,) in breach of neutrality, the government has no power to insist on the restoration of the cargo to its original owners on its being brought to this colony in another merchant-vessel by persons claiming property in it by reason of dealings with the captors." May I be permitted to quote here, without offense, two important remarks of Earl Russell, in his speech before mentioned, and to ask how in their sight this refusal appears? "In my opinion," says that noble lord, "the name of England would have been forever infamous if, for the sake of interest of any kind, we had violated the general laws of nations and made war with those slaveholding States of America against the Federal States." Again, he says: "In short, to sum up, Her Majesty's government are prepared to do everything that the duty of neutrality requires, everything that is just to a friendly nation, taking as a principle that we should do to others as we should wish to be done to ourselves."

But, as said in the commencement of this letter, already too long, his excellency has definitely decided, and that decision must be reversed elsewhere, if at all. It only remains for me to forward this correspondence, with the accompanying facts in the case, to my own Government and to the American minister at London, and to endure with what patience I can to see my loyal countrymen's goods, of which they have been unlawfully spoiled, sold before my face, with the consciousness that for them there is, not at present, no redress.

I have, &c.,
(Signed) W. R. G. MELLEN,
United States Consul.

No. 30.

Lord Lyons to Earl Russell.

WASHINGTON, *March* 28, 1864. (Received April 19.)

MY LORD: I received on the 24th instant your lordship's dispatch of the 10th of March, conveying to me the decision of Her Majesty's government to restore the Tuscaloosa to her confederate captor.

I had had some conversation with Mr. Seward on this matter previously to the receipt of this dispatch, as he appeared to have been informed by Mr. Adams, by a previous mail, that orders had been sent to the Cape of Good Hope to restore that vessel to the confederate officer who was in command of her when she was seized, and to have been led by Mr. Adams to expect explanations from me on the subject.

The intimation which your lordship has conveyed to me by the mail of the 27th of February of the view which Her Majesty's government took of the question, and of the grounds on which it was deemed right that the Tuscaloosa should be given up, enabled me to answer Mr. Seward's inquiries. He seemed very much vexed by the release of the Tuscaloosa. He did not say much to me on the subject, but he will probably have written to Mr. Adams.

Mr. Seward has not renewed the subject with me since I received your lordship's dispatch of the 10th March, and I have not thought it desirable to do so myself.

I have, &c.,
(Signed) LYONS.

[355] *No. 31.

Mr. Layard to Sir F. Rogers.

FOREIGN OFFICE, *April* 25, 1864.

Opinion of Queen's advocate that the governor of the Mauritius was correctly advised not to take possession of the goods brought in Sirene.

SIR: I am directed by Earl Russell to request that you will state to Mr. Secretary Cardwell that his lordship has consulted Her Majesty's advocate general with regard to the proceedings of the governor of the Mauritius, as stated in your letter of the 14th instant, in regard to the goods taken out of the confederate prize Sea Bride, which were brought to Port Louis in the French bark Sirène; and that the Queen's advocate is of opinion that the governor of the Mauritius was rightly advised by the procureur général in this matter, and that it was not competent to the governor either to take possession of that property, or to take any legal steps against Christopher Elmstone.

I am, &c.,
(Signed) A. H. LAYARD.

No. 32.

Sir F. Rogers to Mr. Layard.

DOWNING STREET, *May* 5, 1864. (Received May 5.)

SIR: I have laid before Mr. Secretary Cardwell your letter of the 25th instant, conveying the opinion of the Queen's advocate on the proceedings taken by the governor of Mauritius in regard to the goods taken out of the confederate prize Sea Bride, which were brought to Port Louis in the French bark Sirène.

Question as to prize cargo brought into British ports by others than the captors.

Mr. Cardwell directs me to observe that Sir P. Wodehouse, in his dispatch of the 19th August, 1863, asked especially for instructions respecting the steps which should be taken in Cape Town, in the event of the cargo of any vessel captured by one of the belligerents being taken out of a prize at sea and brought into a colonial port in a British or other neutral vessel. The answer to this question was conveyed in the Duke of Newcastle's dispatch of the 4th November, which instructed the governor that Her Majesty's orders in council did not apply to any articles which may have formed part of such cargoes if brought within British jurisdiction, not by armed vessels or privateers, but by other persons who may have acquired or may claim property in them by reason of any dealings with the captors. But Mr. Cardwell thinks it possible that these instructions respecting cargo may require more development than is given them in the opinion of the law-officers on which the above dispatch is founded; and he would suggest for the consideration of Earl Russell that, as the question of general instructions is now before the law-officers, it may be desirable that the papers now received from Mauritius should be laid before them in connection with the preparation of these instructions.

I am, &c.,
(Signed) FREDERIC ROGERS.

[356] *No. 33.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *May* 31, 1864.

SIR: I am directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, a copy of a report, which, in conformity with your letter of the 5th instant, has been obtained from the law-officers of the Crown, respecting the question raised at the Mauritius with regard to certain goods alleged to have formed part of the cargo of the confederate prize Sea Bride, which had been brought to that island in the French bark Sirène.

I am, &c.,
(Signed) E. HAMMOND.

[Inclosure in No. 33.]

The law officers of the Crown to Earl Russell.

LINCOLN'S INN, *May* 11, 1864.

Opinion of law-officers.

MY LORD: We are honored with your lordship's commands, signified in Mr. Murray's letter of the 5th instant, stating that he was directed by your lordship to transmit to us the papers as marked in the margin, respecting some goods which had been brought to the Mauritius in the French bark Sirène, and for the detention of which application was made by the United States consul to the governor of the colony, on the ground that they had formed part of the cargo of the confederate prize Sea Bride; and Mr. Murray stated that we should observe from the letter from the Colonial Office of the 5th instant, that Mr. Secretary Cardwell is of opinion that, as the question of the general instructions to be issued to the governors of Her Majesty's colonies was brought under our consideration in Mr. Layard's letter of the 16th ultimo, it is desirable that we should also have before us the papers now sent to us, relative to the disposal of the cargoes of prize vessels brought into a colonial port in British or other neutral vessels; and Mr. Murray was accordingly to request that we would take these papers into consideration, together with those lately before us, and embody in the proposed instructions to the colonial governors such directions as we may consider advisable on this particular head.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report that, after considering these papers, it does not appear to us to be necessary to make any change in, or addition to, the draught instructions prepared by us, pursuant to the request conveyed in Mr. Layard's letter of the 16th ultimo.

Questions such as that lately raised at the Mauritius by the United States consul with respect to the cargo of the Sea Bride, must be left, in our opinion, to the civil tribunals. The executive government has no authority to disregard or call in question the *prima facie* title, evidenced by possession, of a private non-belligerent person who brings property of this description into a neutral port, whether he be a foreigner or a British subject. And there is no foundation in law for the idea that a valid title cannot be made to property taken in war, by enemy from enemy, without a prior sentence of condemnation.

The absence of such a sentence may be material when the question is whether captured goods, brought by a belligerent ship of war, exempt from civil jurisdiction, into a neutral port from which prizes are excluded, ought to be regarded by the neutral government as still having the character of prize; but this is altogether different from a mere question of property in the goods themselves.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

357] *No. 34.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *May* 30, 1864. (Received June 1.)

Report from Captain Forsyth as to proceedings of Sea Bride.

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, copy of a letter dated the 19th ultimo, from Rear-Admiral Sir B. W. Walker, reporting certain particulars respecting the American vessel Sea Bride, captured by the Alabama, confederate cruiser, off Table Bay in August last.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 34.]

Vice-Admiral Sir B. Walker to the secretary to the admiralty.

NARCISSUS, *Simon's Bay, April* 19, 1864.

SIR: By the return of Her Majesty's ship Valorous to this port, I have learnt from Captain Forsyth that the American vessel Sea Bride, captured by the Alabama off Table Bay on the 5th August last, had been lying for some time in the port of Tantang, near Cape Larry, island of Madagascar; that her cargo had been sold, and the master, Mr. Cloete, had died of fever, and the mate was trying to procure a flag and papers for the ship at Mauritius. Captain Forsyth further states that, on his second visit to Tamatave, the 16th March last, he was informed on creditable authority, that the mate had sold the vessel to some French subjects in the settlement of St. Mary's, Madagascar, and had so arranged the matter that, on his abandoning the vessel off that place, the purchasers should pick her up as a derelict.

I have, &c.,
(Signed)
B. W. WALKER.

No. 35.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, *August* 31, 1864. (Received September 1.)

Claim of United States consul to Tuscaloosa on behalf of Atlantic Mutual Insurance Company.

SIR: I am directed by the secretary of state for the colonies to transmit to you, for the information of Earl Russell, copy of a dispatch from the governor of the Cape of Good Hope, transmitting copies of a further correspondence with the United States consul at the Cape relative to the Tuscaloosa.

I am, &c.,
(Signed) THOS. F. ELLIOT.

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[358] *[Inclosure 1 in No. 35.]

Governor Sir P. Wodehouse to Mr. Cardwell.

GRAHAM'S TOWN, *July* 16, 1864.

SIR: With reference to the Duke of Newcastle's dispatches of the 4th and of the 10th March last, I beg to transmit, for your consideration, copies of a further correspondence with the United States consul relative to the Tuscaloosa.

I have, &c.,
(Signed) P. E. WODEHOUSE.

[Inclosure 2 in No. 35.]

Mr. Rawson to Mr. Graham.

COLONIAL OFFICE, *December* 28, 1863.

SIR: I am directed by the governor to acquaint you that the Tuscaloosa, having again arrived in Simon's Bay, will, under instructions lately received from Her Majesty's government, be retained under Her Majesty's control and jurisdiction, until properly reclaimed by her original owners.

I have, &c.,

(Signed) RAWSON W. RAWSON,
Colonial Secretary.

[Inclosure 3 in No. 35.]

Mr. Adamson to Mr. Graham.

COLONIAL OFFICE, *June* 30, 1864.

SIR: His excellency the governor has received your communication of the 18th instant, stating that you had been furnished by the owners of the Tuscaloosa with proofs of ownership, and with full powers to act for the owners in all matters relating to that vessel, and inquiring whether it is his excellency's wish that the documents conveying those proofs and powers should be produced here, or be transmitted to his excellency at Graham's Town. I am directed by the governor to state that it will rest with you to take such steps as you may deem proper in the case of the Tuscaloosa, but if you wish to make any representation to his excellency on the subject, the documents to which you allude may be exhibited to me, and copies sent to Graham's Town.

I have, &c.,

(Signed) L. ADAMSON.

[Inclosure 4 in No. 35.]

Mr. Graham to Mr. Adamson.

UNITED STATES CONSULATE,
Cape Town, July 1, 1864.

SIR: Your communication of yesterday's date has been received, containing his excellency's directions to you in reference to the subject-matter of my last letter to him about the Tuscaloosa.

You will please inform his excellency that I have no further representation to make in reference to the case of the Tuscaloosa, and that I simply adhere to the claims and arguments advanced by me in my correspondence with him last August; nor, indeed, is there any further representation necessary, as his excellency informed me, in a letter dated the 28th December, 1863, the Tuscaloosa will, "under instructions lately received from Her Majesty's government, be retained under Her Majesty's control and jurisdiction until properly reclaimed by her original owners."

This announcement I deemed sufficient, and not having since received any official notification that Her Majesty's government had receded from that decision, I [359] now beg *to inclose the documentary evidence of ownership, &c., referred to in my last letter to his excellency.

I have, &c.,

(Signed) WALTER GRAHAM,
United States Consul.

[Inclosure 5 in No. 35.]

Mr. Jones to Mr. Graham.

OFFICE OF THE ATLANTIC MUTUAL INSURANCE COMPANY,
New York, February 24, 1864.

SIR: We notice the seizure of the bark Conrad, *alias* Tuscaloosa, at Cape Town, nd presume that she will be delivered to her rightful owners after the usual adjudication.

This company insured the Conrad, and paid a total loss therefor, and are, consequently, the present owners of the vessel.

We desire that claim be made in our behalf to have her placed subject to our order, and to this end we will forward to you by next mail the necessary proofs to establish such claim.

Should the vessel be released under our claim, and our ownership acknowledged, we wish her sold forthwith, to avoid any expense for her custody and care.

Your action in the premises, as above indicated, will be duly appreciated by,

Very respectfully, &c.,
(Signed) J. D. JONES,
President.

[Inclosure 6 in No. 35.]

Mr. Jones to Mr. Graham.

OFFICE OF THE ATLANTIC MUTUAL INSURANCE COMPANY,
New York, April 2, 1864.

SIR: Referring to our respects of the 24th February, duplicate of which is inclosed, we now hand you assignment to this company of bark Conrad, together with a power of attorney in your favor, to enable you to get possession of the vessel and dispose of her, as indicated in our letter of 24th February.

Very respectfully,
(Signed) J. D. JONES,
President.

[Inclosure 7 in No. 35.]

Assignment.

These presents, made and concluded the 18th day of August, in the year of our Lord 1863, between John W. Field of the first part, and the Atlantic Mutual Insurance Company of the second part: Whereas, by a certain policy of insurance, No. 12,231, bearing date June 25, 1863, the said party of the second part became the assurers of the said part of the first part, upon the body, tackle, apparel, and other furniture of the good bark called the Conrad, whereof Salsbury was master, from Buenos Ayres to New York. And whereas detriment and loss having accrued to the said insured property, by reason of some of the perils in the said policy mentioned or described, the said part of the first part has ceded and abandoned to the said party of the second part the said insured property, and all the right, title, interest, claim, and demand of of the said part of the first part of, in, and to the same. And whereas the said party of the second part have accepted the said cession and abandonment, and have therefore paid to the said part of the first part the sum of $10,000 in full satisfaction of the sum by the said policy insured, and of all things in the said policy contained, on the part of the said company to be performed. Now, therefore, this indenture witnesseth that the said part of the first part, in consideration of the said sum of $10,000 so as aforesaid paid to by the said party of the second part, the receipt whereof is hereby acknowledged, has bar-
[360] gained, *sold, assigned, transferred, ceded, abandoned, and set over, and by these presents does bargain, sell, assign, transfer, cede, abandon, and set over unto the said party of the second part, and their successors and assigns, the aforesaid vessel, and all the right, title, interest, trust, claim, and demand of the said part of the first part, therein and thereto; to have and to hold, recover, receive, and take the said vessel unto the said party of the second part, to the only proper use and benefit of the said party of the second part, and their successors and assigns forever. And the said part of the first part, for and executors and administrators, does by these presents release and forever discharge the said party of the second part, and their successors, of and from all actions and suits, and causes of actions and suits, promises, agreements, losses, and damages, charges, expenses, costs, claims, and demands whatsoever, both at law and in equity, by reason or in virtue of the policy of insurance hereinabove mentioned. And the better to enable the said party of the second part to recover and receive the hereby assigned and ceded premises, the said part of the first part has made, ordained, constituted, and appointed, and by these presents does make, ordain, constitute, and appoint the said party of the second

part, and their successors and attorneys, irrevocable of the said part of the first part in the name of the said part of the first part, but to and for the proper use and benefit of the said party of the second part, and their successors and assigns, by all lawful ways and means to ask, demand, sue for, recover, and receive the said vessel and all moneys thence arising, and all damages of and concerning the same, of and from all and every king, prince, potentate, state, person, and persons whomsoever; and for the purposes aforesaid, in the name or on the behalf of the said part of the first part, but at the proper costs and charges of the said party of the second part, and their successors and assigns, to appear, prosecute, and plead in all courts and places whatsoever, and all suits, disputes, or differences in any wise respecting the premises to compound and agree, or refer to arbitration, upon such terms and principles, and in such manner and form, as to the said party of the second part and their successors and assigns shall appear fit and expedient; and all needful acquittances, discharges, receipts, deeds, and writings, touching the premises in the name, place, and stead of the said part of the first part, from time to time, to make, execute, and deliver, and generally to do and perform all lawful acts, matters, and things whatsoever touching the premises, in as full and ample a manner as the said part of the first part, if personally present, might or could do, or as if more special authority were given them. And one or more attorney or attorneys, under them the said party of the second part, for the purposes aforesaid, from time to time to appoint, and at their pleasure to revoke.

In witness whereof, the said part of the first part has to these presents set his hand and seal, and the said party of the second part have also to these presents caused their seal to be affixed, and the same to be subscribed by their president or vice-president, and countersigned by their secretary, on the day and in the year first above written.

(Signed) JOHN W. FIELD.

Signed and delivered in the presence of—
(Signed) G. H. NEWHALL.
ROBERT S. SMITH.

[Inclosure 8 in No. 35.]

Power of attorney.

Know all men by these presents, that the Atlantic Mutual Insurance Company of the city of New York have made, constituted, and appointed, and by these presents do make, constitute, and appoint Walter Graham, of Cape Town, its true and lawful attorney for it, and in its name, place, and stead, to take and retain possession of the vessel called the Tuscaloosa or Conrad, if she be in the port of Cape Town, giving and granting unto its said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done, in and about the premises, as fully, to all intents and purposes, as it might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that its said attorney or his substitute shall lawfully do or cause to be done, by virtue hereof.

In witness whereof, I, the president of the said company, have hereunto set my hand * and caused the official seal of said company to be hereto affixed, the day of [361] March, 1864.

Atlantic Mutual Insurance Company, by
(Signed) J. D. JONES,
President.

Sealed and delivered in the presence of (the words "the president of the said company," and the words "caused" to "affixed," interlined before execution.)
(Signed) W. C. NICOLL.

STATE OF NEW YORK, *County of New York, ss:*

Be it known that, on the 24th day of March, 1864, before me, W. C. Nicoll, a public notary in and for the State of New York, duly commissioned and sworn, dwelling in the city of New York, personally came J. D. Jones, to me personally known, and known to me to be the president of the above-named corporation, and acknowledged the above letter of attorney to be its act and deed, and that the seal which is affixed to the above instrument is the corporate seal of said corporation, and was affixed by their authority. In testimony whereof I have hereunto subscribed my name, and affixed my seal of office, the day and year last above written.

(Signed) W. C. NICOLL,
Notary Public.

HER BRITANNIC MAJESTY'S CONSULATE, *New York.*

I, Edward Mortimer Archibald, esq., Her Majesty's consul, do hereby certify that W. C. Nicoll, esq., whose true signature and seal are respectively subscribed and affixed to the certificate hereunto annexed, was, on the day of the date thereof, a notary public, in and for the State of New York, duly commissioned and sworn, to whose official acts faith and credit are due.

In witness whereof I do hereunto set my hand and seal of office, at the city of New York, this 25th day of March, in the year of our Lord 1864.

(Signed) E. M. ARCHIBALD,
Her Britannic Majesty's Consul.

[Inclosure 9 in No. 35.]

Mr. Adamson to Mr. Graham.

COLONIAL OFFICE, *July* 18, 1864.

United States consul informed that it has been decided to restore the Tuscaloosa to the officers of the confederate navy.

SIR: I am directed by the governer to acknowledge the receipt of your letter of the 1st instant, intimating that you adhere to the claim already set up on the part of the original owners of the Tuscaloosa, and representing that you have not received any official notification that Her Majesty's government had receded from their original decision as to the disposal of the vessel.

The governor much regrets that, owing to the great publicity which had been given to the questions respecting this vessel by the debates in the British Parliament, he should have lost sight of the necessity for his acquainting you officially, as he now does, that Her Majesty's government have, on further consideration of the matter, seen fit to direct the restoration of the Tuscaloosa to the officers of ths confederate navy.

At the same time his excellency hopes that no inconvenience will result from this omission on his part, as he feels sure you must have become indirectly, or through the officers of your own Government, fully acquainted with the actual state of the case.

I have, &c.,
(Signed) L. ADAMSON,
For the Colonial Secretary.

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[362] *No. 36.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *September* 26, 1864.
(Received September 27.)

Instructions requested by Commodore Cockburn as to restoring Tuscaloosa, and as to her being refitted.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Commodore Cockburn, dated the 19th of August, requesting instructions with regard to giving up the Tuscaloosa, at Simon's Bay, to any agent of Captain Semmes, and with regard to her being refitted or sold there.

My lords request to be favored with Lord Russell's views on these points, in order that instructions may be sent to the commodore by the mail of the 5th of October.

I am, &c.,
(Signed) W. G. ROMAINE.

P. S.—Copy of the instructions of the 5th of March last, referred to by Commodore Cockburn, is herewith inclosed.

W. G. R.

[Inclosure 1 in No. 36.]

Commander Cockburn to the secretary to the admiralty.

SERINGAPATAM, *Simon's Bay, August* 19, 1864.

SIR: I have the honor to bring before you, for the consideration of the lords commissioners of the admiralty, the instructions I have received relative to the detained vessel Tuscaloosa.

2. The instruction (admiralty letter of the 5th of March, 1864,) says, "She is to be given up to Captain Semmes if he should come back to the Cape."

3. I have been applied to by agents of Captain Semmes to know what authority was required to give her up. I have replied, that "literally" to Captain Semmes only could I give her up; but I interpreted the spirit of the instruction further, and said that I would give her up to a written authority from Captain Semmes or Lieutenant Lowe, from whom the vessel was taken.

4. This, however, involves another question, "failing Captain Semmes or Lieutenant Lowe?" And when she is given up to the agents of Captain Semmes and his ship's company, if their lordships should approve of my so doing, what is to be done with her? Is she to be refitted and sent out of port, or is she to be sold here?

5. She is barely seaworthy, and the chances are the confederates would not take her to sea.

6. At present two of my men are living on board; otherwise she is an inconvenience to us.

I have, &c.,
(Signed) J. H. COCKBURN.

[Inclosure 2 in No. 36.]

The secretary to the admiralty to Rear-Admiral Sir B. Walker.

ADMIRALTY, *March* 5, 1864.

SIR: With reference to the letter of this day's date, I am commanded by my lords commissioners of the admiralty to acquaint you that the Tuscaloosa is to be restored to the captain of the Alabama if she should come to the Cape of Good Hope.

With reference to the other portions of the above letter and inclosures, you will retain them in your possession, but not act upon them until you receive further orders.

I am, &c.,
(Signed) C. PAGET.

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[363] *No. 37.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 5, 1864.

SIR: In reply to your letter of the 26th September, I am directed by Earl Russell to request that you will state to the lords commissioners of the admiralty that he is of opinion that the following instructions should be given to Commodore Cockburn with regard to the disposal of the Tuscaloosa.

Tuscaloosa should be restored to Captain Semmes or agent, but not be fitted out as vessel of war at the Cape.

If Captain Semmes or Lieutenant Lowe should go to the Cape of Good Hope, or send a written authority to an agent, the vessel may be given up.

The Tuscaloosa must not, however, be fitted up at the Cape as a man-of-war.

I am, &c.,
(Signed) E. HAMMOND.

No. 38.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *August* 17, 1865. (Received August 17.)

Tuscaloosa still at the Cape, July 3, 1865. Commodore requests further instructions.

SIR: With reference to your letter of the 5th October last, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that Commodore Cockburn, in a letter dated the 3d ultimo, states that the Tuscaloosa, detained by the confederate cruiser Alabama, was still in Simon's Bay under his charge; and I am to request you will inform me what instructions should now be given to Commodore Cockburn respecting the disposal of this vessel.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 39.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *September* 8, 1865.

The vessel to be given up to any officer authorized by the United States Government.

SIR: I have laid before Earl Russell your letter to Mr. Hammond of the 17th ultimo, requesting to be informed as to the instructions which should be given to Commodore Cockburn with regard to the disposal of the Tuscaloosa; and I am, in reply, to request that you will move the lords commissioners of the admiralty to instruct Commodore Cockburn to give up the Tuscaloosa to any officer duly authorized by the United States Government to take possession of her.

I am, &c.,
(Signed) A. H. LAYARD.

No. 40.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 19, 1866. (Received January 20.)

Vessel delivered to United States consul.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Commodore Cockburn, dated the 7th of December, reporting his having given over the detained American ship Tuscaloosa to the United States consul at the Cape of Good Hope.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 40.]

Commander Cockburn to the secretary to the admiralty.

SERINGAPATAM, *Simon's Bay, December* 7, 1865.

SIR: I have the honor to report, for the information of the lords commissioners of the admiralty, that, on the application of the American consul of this colony, I gave up to him the detained American vessel Tuscaloosa.

[364] *2. She has been sold by him.

3. There were a few of the articles in the original inventory missing, but these things were given to Lieutenant Lowe, the officer who had charge of her, by Lieutenant Kennedy, of Her Majesty's ship Narcissus, on his (Lieutenant Lowe) stating that they were his private property.

4. This was known to Sir Baldwin Walker, who reprimanded Lieutenant Kennedy for so doing.

5. The consul took the vessel with the proviso that his taking her would in no way interfere with the claim for compensation for her long detention.

6. I really trust that their lordships may not hear any more of this unfortunate accident.

I have, &c.,
(Signed) J. H. COCKBURN.

No. 41.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 9, 1864. (Received February 9.)

Alabama at ports in the Indian Seas, January, 1864.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Commodore Montresor, dated the 8th January, relative to the proceedings of Federal and confederate vessels of war in Indian waters, and requesting instructions for the guidance of officers in the event of certain contingencies.

I am also to send you a copy of the answer that my lords propose to send by mail to-morrow, via Marseilles, to Commodore Montresor, provided Earl Russell sees no objection.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 41.]

Commodore Montresor to Vice-Admiral Kuper.

SEVERN, *at Bombay, January* 8 1864.

SIR: 1. I have the honor to submit to you that information has reached me of the Alabama and Wyoming having been in Singapore Harbor, as also that these vessels are cruising in the neighborhood; I conceive it to be my duty to claim your attention to this, as, owing to the Vigilant and Pantaloon having been ordered to Bombay for a court-martial, the Janus gun-boat will be for some time the only vessel of war in the straits.

2. Reference will probably be made to me by the lieutenant commanding the Janus, or senior officer *pro tem.*, relative to these vessels, and I have, therefore, to beg that I may be favored with your directions, supposing such reference to be made to me on the following subjects:

3. On the arrival of any Federal or confederate vessels of war at an English port, are these vessels to be boarded and told that they are to proceed to sea as soon as their repairs, &c., are made good?

4. Are they to be furnished with coals, stores, or provisions appertaining to the English government, at their request and offer to pay for the same?

5. In case of their having been so supplied and making further demands, are they to be complied with, and how often, and to what extent?

6. Supposing a vessel to remain in port, seemingly unnecessarily long, but declaring that she requires further repairs, and cannot proceed to sea, what steps is it incumbent on the senior officer to take, if of equal or superior force, and what if unequal and inferior?

[365] *7. What, in either case, is to be the grand ultimatum, supposing a vessel pertinaciously refuses to proceed to sea?

8. What should be the outside time allowed before this ultimatum is announced and acted on?

9. Upon those points especially I am anxious to obtain the benefit of advice, either from yourself or from the lords commissioners of the admiralty, for which latter purpose I shall forward a duplicate of this letter to their lordship's secretary.

I have, &c.,
(Signed) F. B. MONTRESOR.

[Inclosure 2 in No. 41.]

The secretary to the admiralty to Commodore Montresor.

ADMIRALTY, *February* , 1864.

Instructions to Commodore Montresor.

SIR: I am commanded by my lords commissioners of the admiralty to acknowledge the receipt of your letter of the 8th of January, relative to the proceedings of Federal and confederate vessels of war, and requesting directions for your guidance in the event of certain contingencies; and I am to refer you to the London Gazette of the 31st of January, 1862, inclosed in the admiralty letter of the 1st of February, and to the papers relating to the proceedings of the confederate cruisers at the Cape of Good Hope, communicated in the admiralty letter of the 13th of November last, of which papers printed copies are now inclosed.

You are to observe that the duty of notifying to the ship of a belligerent power the conditions on which she is to be allowed to enter or remain in any port or roadstead of Her Britannic Majesty, devolves upon the authorities of the port. The instructions to the governors of Her Majesty's colonies for carrying out the Queen's proclamation should be conveyed to foreign officers direct from themselves, through their own officials, Her Majesty's ships affording, however, every assistance for this purpose, by the use of their boats, &c., when the governors have not the means of communication at their disposal.

It is only when the governor, or his representative, considers that it has become necessary to call in the aid of the naval authorities, that the naval officer should take upon himself the responsibility of acting, and he must then be the judge of the measures it may be necessary to adopt, after considering the previous communications he may have received from the governor, and the instructions under which he is acting.

My lords do not consider it probable that, under any circumstances, it would be necessary to use force against a foreign ship of war, unless the officer in command of such ship were determined to involve the two countries in war; but, should it be necessary, the firing upon any foreign vessel should come from Her Majesty's forts, and no attack should be made by Her Majesty's ships, except as a measure of the last resort. The senior officer, before taking upon himself such a grave responsibility, should weigh well the consequences likely to result from such a course.

Not desirable to furnish supplies of coal from government stores.

My lords have only further to observe that it is not desirable that any supplies of coal should be furnished to either of the belligerents from the government stores.

I am, &c.,
(Signed) C. PAGET.

No. 42.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *February* 10, 1864.

Lord Russell concurs in the instructions.

SIR: In reply to your letter of yesterday's date, I am directed by Earl Russell to request that you will state to the lords of the admiralty that, having taken the opinion of the law-officers of the Crown, his lordship concurs in the instructions which it is proposed to address to Commodore Montresor with regard to the proceedings of Federal and confederate vessels of war in Indian waters.

I am, &c.,
(Signed) E. HAMMOND.

[366] * No. 43.

Mr. Merivale to Mr. Hammond.

INDIA OFFICE, *April* 7, 1864. (Received April 9.)

SIR: I am directed by Sir C. Wood to forward to you, for the information of Earl Russell, copy of a letter and inclosures received from the government of Madras, relative to the proceedings of the American confederate steamer Alabama.

I am, &c.,
(Signed) HERMAN MERIVALE.

[Inclosure in No. 43.]

Political letter from Fort Saint George, dated February 23, *No.* 3 *of* 1864.

We have the honor to submit, for your information, copies of the papers recorded in our proceedings noted in the margin,[1] relative to the proceedings of the American confederate steamer Alabama.

Destruction of Emma Jane. Her crew landed at Anjengo.

2. It will be seen from these reports that the American ship Emma Jane, which sailed from Bombay on the 6th January last, under English charter, to proceed to Moulmein for the purpose of loading a cargo of teak for London, was boarded and burnt off Anjengo by the Alabama on the 14th of that month. The master of the Emma Jane, his wife, and the crew were landed at Anjengo and afterward proceeded to Cochin.

3. Captain Deane, master of the British ship Kangaroo, has also reported to the commercial agent at Allepey that, on the 26th December last, when at anchor in a calm, waiting for a tide off the Sand Heads, Straits of Malacca, the Alabama boarded and burnt two American ships which were in company at the time.

Proceedings of the Madras government, marine department, January 27, 1864, No. 26.

Read the following letter from H. D. E. Dalrymple, esq., master attendant in charge of the marine superintendent's office, to the Hon. A. J. Arbuthnot, chief secretary to government, marine department, Fort Saint George, dated Madras, 25th January, 1864, No. 236.

I have the honor to forward, for the information of government, the papers as per margin,[2] just received.

From J. Castor, esq., master attendant, to H. D. E. Dalrymple, esq., superintendent of marine, Madras, dated Cochin, January 26, 1864, No. 26.

I have the honor to forward, herein inclosed, a statement made before me by Captain Jordan, of the American ship Emma Jane, which vessel was burnt off Anjengo by the confederate steamer Alabama.

2. Captain Jordan and crew[3] arrived here this morning destitute of everything, excepting a little wearing apparel which they were permitted to retain.

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[1] Marine Proceedings, January 27, Nos. 26 to 29; January 28, Nos. 30 and 31; February 23, Nos. 18 and 19, 1864.

[2] Letter from master attendant, Cochin, dated January 22, 1864. Deposition of Captain Jordan, of American ship Emma Jane, both in original; also another letter from the master attendant, Cochin, dated January 21, 1864, annexing copies of letters from the commanders of the Alabama and of the Emma Jane.

[3] Two officers, 1 American and 1 German. Crew: 2 Americans, 4 English, 4 Germans, 1 Dutch, 2 Swedes, 1 Russian, 1 French Canadian, 2 Norwegians; total, 19 men. Besides the above, two men enlisted on board the Alabama: 1 German and 1 English.

3. The officers and crew on arriving here solicited my aid, and, as they had no means of subsistence, arrangements were made to house and subsist them until an opportunity occurs to forward them to Bombay.

4. Whatever expenses are incurred on account of these men, I am aware, must be on my own responsibility, as, under the circumstances, they have no claim, I presume, on the government. But yet, as a public officer, I could scarcely withhold assistance [367] from * men in their distressed condition, who are absolutely without the means of purchasing necessaries of life, and reduced to this necessity by a misfortune apart from the risks and dangers of professional life.

5. The American consul at Bombay will be applied to to reimburse any moneys expended here for subsisting the crew; but what the consular rules are which regulate cases of this nature I am not aware.

6. As the Alabama is on this coast, and as similar cases may arise in future, I beg you will be pleased to bring the matter before government, should you deem it expedient.

Statement of Captain Francis C. Jordon, commander of the late ship Emma Jane, belonging to the United States of America, made before the master attendant, Cochin, January 22, 1864.

I was master of the ship Emma Jane, of 1,096 tons, belonging to Bath, in the State of Maine, United States of America; Messrs. Megoun & Clapp were the owners. I left Bombay for Moulmein on the 5th January, and when off Anjengo, on the 14th instant, about fifty miles off shore, I sighted a steamer, which afterward proved to be the Alabama. She came up to the Emma Jane flying the American flag, fired a gun, and sent an armed boat on board; when the boat was alongside the steamer hauled down the American and hoisted the confederate flag. The Emma Jane had her American flag flying. The officer in charge of the boat ordered me into the boat with the ship's papers, and I proceeded on board the Alabama. On reaching the steamer my papers were examined by Captain Semmes, and I was told that my ship was a prize, and myself and crew were prisoners of war, and that my vessel would be burnt. I was then ordered back to the Emma Jane, and twenty minutes allowed me to pack up such limited articles as I was permitted to retain, viz, one trunk of wearing-apparel for myself, and a bag for each officer and man. My wife was allowed to bring away all her wearing apparel only. I then proceeded on board the Alabama with my officers and crew, twenty-four in number. After removing every article of provision and stores from, to the Alabama, the Emma Jane was set fire to, and we were landed at Anjengo on the 17th instant. I was deprived of all my nautical instruments, books, charts, and chronometers, and I was not permitted to retain anything of value. My officers and crew were huddled together, and I was allowed with my wife to mess with the officers of the Alabama.

(Signed) F. C. JORDON,
Master late Ship Emma Jane.

Taken before me on this 22d day of January, 1864.

(Signed) J. CASTOR,
Master Attendant.

From J. Castor, esq., master attendant, to H. D. E. Dalrymple, esq., superintendent of marine, Madras, dated Cochin, January 21, 1864, *No.* 24.

I have the honor to forward hereto annexed the correspondence relative to the landing of the crew of the American ship Emma Jane at Anjengo, by the confederate steamer Alabama, Captain Semmes.

2. The commander and the crew have not arrived at Cochin as yet.

CONFEDERATE STATES STEAMER ALABAMA, *January* 16, 1864.

SIR: I respectfully request permission to land at this place the master and crew of the North American ship Emma Jane, now held by me as prisoners of war. They desire to go to Cochin, and I request that you will allow them every facility for so doing. I send with the prisoners provisions for nine days, so that you may be put to no expense for their maintenance.

(Signed) R. SEMMES,
Captain.

[368] **From F. C. Jordon, esq , master of the American ship Emma Jane, to the magistrate at Anjengo.*

I, as master of the American ship Emma Jane, of Bath, United States of America, having been taken prisoner, with my crew, by steamer Alabama, desire to land at this place that we may take passage to Cochin.

True copies:
(Signed) J. CASTOR,
Master Attendant.

Order thereon, January 27, 1864, *No.* 14.

To be recorded:
(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Read the following letter from W. Fisher, esq., resident of Travancore and Cochin, to the Hon. A. J. Arbuthnot, chief secretary to government, Fort Saint George, dated Trevandrum, 18th January, 1864, No. 6:

I have the honor to transmit, for the information of his excellency the governor in council, copy of a report made to me by the commercial agent of the Travancore government, detailing information received from Captain Deane, of the British ship Kangaroo, regarding the proceedings of the confederate steamer Alabama. A copy of the ship's log accompanies that of Mr. Crawford's letter.

From H. Crawford, esq., commercial agent, to W. Fisher, esq., British resident of Travancore and Cochin, Trevandrum, dated Allepey, January 15, 1864, *No.* 1.

I have the honor to inform you, for the information of government, that Captain Deane, of the ship Kangaroo, from Singapore on the 18th ultimo, states that on the 26th, when at anchor in a calm waiting for a tide off the Sand Heads, Straits of Malacca, with two American ships in company, the American confederate steamer Alabama boarded and set fire to the two American ships; as all sail was set on each they were soon enveloped in flame.

2. On the 4th instant, in latitude 6° north, and longitude 92° east, while steering to the westward under studding-sails, the Alabama came up to the Kangaroo, hailed her to shorten sail, which was done; she then came alongside, but seeing she was an English ship, and a sail being reported to the westward, she made all sail in chase.

3. I beg to forward extract from the ship's log.

4. The captain states that when he left Singapore there was an American war-steamer there, name unknown, which may be the Vanderbilt.

Extract from log-book of ship Kangaroo, Captain Deane, kept by W. Loos.

Saturday, 26th December.—Daylight saw a steamer steaming to the westward under the land at 6 a. m.; weighed with light breeze from southwest and made all sail. At 8 a. m. Parcelan Hill northeast by east. At 9 saw two American ships at anchor and on fire, the act supposed to have been done by the steamer before mentioned, as she was then in sight ahead, steaming through the straits to the westward.

Monday, 4th January, 1864, 5 *a. m.*—Saw a steamer under sail standing to the eastward; distance three miles; p. m., saw this morning's steamer still under sail, standing to the westward in company. Hull down at 5 p. m., exchanged signals with the American steamer Alabama; signaled to shorten sail; did so, but after some time, seeing she paid no further attention, made sail, steering west, the Alabama steering west half south; latitude 6° north, longitude 90° east.

Midnight, decreasing breeze and fine; lost sight of the Alabama.

January 5*th*.—Day-light, Alabama astern of us about five miles, steering after [369] us. *At 10 a. m. lost sight of the Alabama astern. Latitude 63° 5′ north, longitude 90° 17′ east.

True extract:
(Signed) H. CRAWFORD,
Commercial Agent.

True copies:
(Signed) W. FISHER,
Resident.

Order thereon, January 27, 1864, *No.* 15.

To be recorded:
(Signed) A J. ARBUTHNOT,
Chief Secretary.

Proceedings of the Madras government, marine department, January 23, 1864.

No. 30. Read the following letter from M. J. Walhouse, esq., acting magistrate of Malabar, to the Hon. J. Arbuthnot, chief secretary to government, Fort Saint George, dated Calicut, January 22, 1864, No. 7:

Adverting to my telegram[1] of this date, I have the honor to forward, for the information and orders of government, copies of a letter from the sub-magistrate of Anjengo to the joint magistrate of Cochin,[2] and inclosures, on the subject of the confederate steamer Alabama.

P. S.—Since writing the above I have received the accompanying letter[3] from the joint magistrate of Cochin, which I deem it proper to submit for the information of government.

From M. J. Walhouse, esq., acting magistrate of Malabar, to the chief secretary to government, Madras, dated Calicut, January 22, 1864, *No.* 5.

JANUARY 22.

Confederate steamer Alabama anchored off Anjengo on the 16th instant, landed captain and crew of American ship Emma Jane, and sailed immediately.

True copy:
(Signed) M. J. WALHOUSE,
Acting Magistrate.

From P. Netto, sub-magistrate, to E. Cullen, esq., joint magistrate, dated Anjengo, January 17, 1864.

I beg to inclose herewith two original letters, one from Captain R. Semmes, of the Confederate States steamer Alabama, and one from Captain F. C. Jordon, of the captured American ship Emma Jane.

2. The steamer Alabama arrived here last evening, and the chief officer of that vessel, accompanied by Captain Jordon, came on shore and expressed their wishes, viz, the former that his captain wished to land the captain and crew of the American ship Emma Jane here, for the purpose of being sent to Cochin; and the latter that he and his crew were willing to proceed to Cochin. They were landed here this morning, and this evening sent to Cochin by back-water.

[370] **From Captain R. Semmes, Confederate States steamer Alabama, to the sub-magistrate of Anjengo, dated January* 16, 1864.

I respectfully request permission to land at this place the master and crew of the North American ship Emma Jane, now held by me as prisoners of war. They desire to go to Cochin, and I request that you will allow them every facility for so doing. I send with the prisoners provisions for nine days, so that you may be put to no expense for their maintenance.

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[1] Copy inclosed. [2] Dated 17th instant. [3] Dated 22d instant.

To the Magistrate at Anjengo:

Dear Sir: I, as master of the American ship Emma Jane, of Bath, Northern States of America, having been taken prisoner with my crew by steamer Alabama, desire to land at this place that we may take passage to Cochin.

(Signed) F. C. JORDON, *Master.*
(Signed) P. NETTO, *Sub-Magistrate.*

True copies:
(Signed) E. CULLEN, *Joint Magistrate.*

True copy:
M. J. WALHOUSE, *Acting Magistrate.*

From E. Cullen, joint magistrate of Cochin, to the magistrate of Malabar, Calicut, dated Cochin, January 22, 1864, No. 17.

With reference to my letter of the 20th instant, No. 15, I have the honor to inform you that the master and crew, consisting of two officers and seventeen men, of the American vessel captured by the confederate steamer Alabama, arrived at Cochin this morning from Anjengo, destitute of funds and with but little clothing.

2. A telegram has been sent by Captain Castor, the master attendant of Cochin, to the American consul at Bombay.

True copy:
(Signed) M. J. WALHOUSE, *Acting Magistrate.*

Order thereon, January 28, 1864, No. 17.

To be recorded:
(Signed) A. J. ARBUTHNOT, *Chief Secretary.*

Proceedings of the Madras government, marine department, February 23, 1864.

Read the following letter from W. Fisher, esq., resident of Travancore and Cochin, to the Hon. A. J. Arbuthnot, chief secretary to government, Fort Saint George, dated Trevandrum, 25th January, 1864, No. 8:

With reference to my letter No. 6, of the 18th instant, I have the honor to annex, for the information of his excellency the governor in council, copy of a report[1] from the commercial agent of the Travancore government, regarding the proceedings of the confederate steamer Alabama.

From H. Crawford, esq., commercial agent, to W. Fisher, esq., British resident of Travancore and Cochin, Trevandrum, dated Allepey, January 21, 1864, No. 21.

I beg to inform you that captain and Mrs. Jordon and crew of the late American ship Emma Jane, Jordon, of Bath, Maine, 1,044 tons, American measurement, [371] arrived *here last night on their way to Cochin from Anjengo, at which port they were landed from the American confederate cruiser Alabama, Captain Semmes.

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[1] No. 21, dated January 21, 1864.

2. The ship sailed from Bombay on the 6th instant under English charter to proceed to Moulmein to load a cargo of teak for London, and on the 14th instant, at 10 a. m., saw a sail ahead steering for them. At noon, light airs and calm, latitude 8° 6′ north, longitude 76° 10′ east, the stranger hoisted the United States flag, which flag was also run up to the mizzen peak by the Emma Jane; at 1 p. m. the bark fired a gun across the bows of the ship, when Captain Jordon hove his ship to with the main yard to the mast, believing the bark to be the Wyoming, U. S. N. Sent an armed boat's crew on board, and ordered the ship's papers to be produced. Asked where the ship was from, and where bound for. On being furnished with these particulars, Captain Jordon was informed that his ship was a prize to the Alabama; they ordered the flag to be hauled down, which was also done on board the Alabama, she hoisting in its place the confederate one. Captain Jordon was ordered on board the Alabama, and on going on deck Captain Semmes, after examining his papers, said that he must burn his ship; he questioned him closely as to his accounts, and the sums of money remitted to England, but there was no money on board. Captain Jordon was then ordered on board his own ship again, with an allowance of half an hour to put up some clothes, with the intimation that the concealment of any valuables, money, watches, &c., by himself, wife, or crew would be useless, as their effects and persons would be searched as soon as they came on board. Mrs. Jordon concealed her husband's and chief officer's watches in the bosom of her dress, with about thirty rupees in silver. The captain's chronometer, sextants, nautical instruments, and books were appropriated by Captain Semmes, and, after hoisting out the provisions and live-stock, they broke up the cabin furniture and piled it in the cabin, making another pile down the fore-hatchway smeared with tar; they then set fire to the ship, and left her with all her sails set to sky-sails. At 5.30 p. m. they arrived on board the Alabama, when the captain and crew were subjected to a personal search. Mrs. Jordon escaped this indignity, but her clothes, together with the others, were all turned out on deck and minutely scrutinized. At 6 p. m. the ship was enveloped in flame to the trucks fore and aft.

3. From the time Captain Semmes and his officers behaved toward the captives with civility, and on Sunday, the 17th, ran under the land at Anjengo and landed them there with a cask of pork and bag of bread to carry them to Cochin, Captain Semmes presenting Mrs. Jordon with a little canister of what was shortly before her own biscuits.

4. Two of the crew volunteered for service on the Alabama, and are now on board that vessel; the others, twenty-two in number, with Captain and Mrs. Jordon, proceeded to Cochin at 11 p. m. last evening.

True copy.
(Signed) W. FISHER, *Resident.*

Order thereon, February 23, 1864, *No.* 28.

To be recorded:
(Signed) A. J. ARBUTHNOT,
Chief Secretary.

True copies:
(Signed) W. ALLEN,
Deputy Secretary to Government.

No. 44.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *April* 27, 1864. (Received April 28.)

SIR: I am commanded by my lords commissioners of the admiralty to state, for the information of Earl Russell, that Rear-Admiral Sir Baldwin Walker, in a letter dated the 21st March, has reported that the confederate vessel Alabama arrived
[372] in Table Bay * on the 20th March; also that Her Majesty's ship Valorous visited Tamatave on the 26th February, when everything was quiet in Madagascar.

Return to the Cape of Good Hope. March 20, 1864.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 45.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *May* 30, 1864. (Received May 31.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, copy of a letter dated 28th of March last, from Rear-Admiral Sir Baldwin Walker, reporting the movements of the Confederate States cruiser Alabama, together with copy of a letter dated the 22d March, from Captain Semmes, of the Alabama, to Sir Baldwin Walker, protesting against the detention of the Tuscaloosa by the authorities at the Cape of Good Hope; also copy of a letter dated the 4th ultimo, from the rear-admiral, offering certain remarks upon the protests in question.

I am, &c.,

(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 45.]

Rear-Admiral Sir B. Walker to the secretary to the admiralty.

NARCISSUS, *Simon's Bay, March* 28, 1864.

SIR: I beg you will be pleased to acquaint the lords commissioners of the admiralty that the Confederate States steamer Alabama returned to Table Bay from cruising in the Indian Sea on the 20th instant.

Coal and provisions supplied.

It appearing that three months had elapsed since that vessel coaled at a British possession, namely, Singapore, on or about the 21st December, Captain Semmes was permitted to receive a supply of coal, and complete provisions, after which the Alabama put to sea on the 25th instant.

During his stay Captain Semmes wrote me a letter, protesting against the detention of the Tuscaloosa, a copy of which I beg to inclose, for your lordship's information, with my reply thereto.

I need only observe that Captain Semmes's statement of my agreeing that the Tuscaloosa was a ship of war, is incorrect, as my former correspondence on the subject will show.

I have, &c.,

(Signed) B. W. WALKER.

[Inclosure 2 in No. 45.]

Captain Semmes, C. S. N., to Rear-Admiral Sir B. Walker.

CONFEDERATE STATES STEAMER ALABAMA, *Table Bay, March* 22, 1864.

Protest of Captain Semmes against the detention of the Tuscaloosa.

SIR: I was surprised to learn upon my arrival at this port of the detention by your order of the Confederate States bark Tuscaloosa, a tender to this ship. I take it for granted that you detained her by order of the home government, as no other supposition is consistent with my knowledge of the candor of your character, the Tuscaloosa having been formerly received by you as a regularly commisioned tender, and no new facts appearing in the case to change your decision. Under these circumstances I shall not demand of you the [373] restoration of that vessel, with which demand you would not * have the power to comply, but will content myself with putting this my protest against this detention on the record of the case, for the future consideration of our respective governments.

Earl Russell, in reaching the decision which he has communicated to you, must surely have misapprehended the facts, otherwise I cannot conceive him capable of so misapplying the law. The facts are briefly these:

1. The Tuscaloosa was formerly the enemy's ship Conrad, lawfully captured by me on the high seas, as a recognized belligerent;
2. She was duly commissioned by me as a tender to the Confederate States steamer Alabama then, as now, under my command; and,
3. She entered British waters not only without intention of violating Her Britannic

Majesty's orders of neutrality, but was received with hospitality, and no question was raised as to her right to enter under the circumstances.

These were the facts up to the time of Earl Russell's issuing to you his order in the premises. Let us consider then a moment and see if we can derive from them, or any of them, just ground for the extraordinary decision to which Earl Russell has come.

My right to capture and the legality of the capture will not be denied. Nor will you deny, in your experience as a naval officer, my right to commission this or any other ship lawfully in my possession as a tender to my principal ship. Your admirals do this every day on distant stations; and the tender from the time of her being put in commission wears a pennant, and is entitled to all the immunities and privileges of a ship of war, the right of capture inclusive.

Numerous decisions are to be found in your own prize law to this effect. In other words, this one of the recognized modes of commissioning a ship of war, which has grown out of the convenience of the thing, and become a sort of naval common law, as indisputable as the written law itself. The only difference between the commission of such a ship and that of a ship commissioned by the sovereign authority at home is that the word "tender" appears in the former commission and not in the latter. The Tuscaloosa, having then been commissioned by me in accordance with the recognized practice of all civilized nations that have a marine, can any other government than my own look into her antecedents? Clearly not. The only thing which can be looked at upon her entering a foreign port is her commission. If this be issued by competent authority you cannot proceed a step further. The ship then becomes a part of the territory of the country to which she belongs, and you can exercise no more jurisdiction over her than over that territory. The self-respect and the independence of nations require this; for it would be a monstrous doctrine to admit that one nation may inquire into the title by which another nation holds her ships of war. And there can be no difference in this respect between tenders and ships originally commissioned. The flag and the pennant fly over them both, and they are both withdrawn from the local jurisdiction by competent commissions. On principle, you might as well have inquired into the antecedents of the Alabama, as of the Tuscaloosa. Indeed, you had a better reason for inquiring into the antecedents of the former than of the latter, it having been alleged that the former escaped from England in violation of your foreign-enlistment act. Mr. Adams, the United States minister, did, in fact, demand that the Alabama should be seized, but Earl Russell, in flat and most pointed contradiction of his late conduct in the case of the Tuscaloosa, gave him the proper legal reply, to wit, that the Alabama being now a ship of war, he was stopped from looking into her antecedents. One illustration will suffice to show you how untenable your position is in this matter. If the Tuscaloosa's commission be admitted to have been issued by competent authority, and in due form, (and I do not understand this to be contested except on the ground of her antecedents,) she is as much a ship of war as the Narcissus, your flag-ship. Suppose you should visit a French port, and the port admiral should request you to haul down your flag on the ground that you had had no sufficient title to the ship before she was commissioned, or that she was a contract ship, and you had not paid for her, and the builder had a lien on her, or that you had captured her from the Russians, and had not had her condemned by a prize court, what would you think of the proceeding? And how does the case supposed differ from the one in hand? In both it is a pretension on the part of a foreign power to look into the antecedents of a ship of war, neither more nor less in the one case than in the other. I will even put the case stronger. If it be admitted that I had the right to commission a tender, and the fact had been that I had seized a French ship and put her in commission, you could not inquire into the fact. You would have no right to know but that I had the orders of my government for this seizure. In short, you would have no right to inquire into the matter at all. My ship being regularly commissioned, I am responsible to my government for my acts, and my government in the case [374] supposed would be responsible to France and not to you. If this reasoning be correct—and, with all due submission to his lordship, I think it is sustained by the plainest principles of the international code—it follows that the condemnation of a prize in a prize court is not the only mode of changing the character of a captured ship. When the sovereign of the captor puts his own commission on board such a ship, this is a condemnation in its most solemn form, and is notice to all the world. On principle, if a ship thus commissioned were recaptured, the belligerent prize court could not restore her to her original owner, but must condemn her as a prize ship of war of the enemy to the captors; for prize courts are international courts, and cannot go behind the pennant and commission of the cruiser.

Further, as to this question of adjudication, your letter to Lieutenant Lowe, the late commander of the Tuscaloosa, assumes that as the Tuscaloosa was not condemned, she was therefore the property of the enemy from whom she had been taken. Condemnation is intended for the benefit of neutrals, and to quiet the titles of purchasers, but is never necessary as against the enemy. His right is taken away by force and not by any legal process, and the possession of his property *manu forte* is all that is required against him.

Earl Russell having decided to disregard these plain principles of the laws of nations, and to go behind my commission, let us see what he next decides.

His decision is this, that the Tuscaloosa being a prize, and having come into British waters in violation of the Queen's orders of neutrality, she must be restored to her original owner. The ship is not seized and condemned for the violation of any municipal law, such as fraud upon the revenue, &c.—as indeed she could not be so seized and condemned without the intervention of a court of law—but by the strong arm of executive power he wrests my prize from me, and very coolly hands her over to the enemy. It is admitted that all prizes, like other merchant-ships, are liable to seizure and condemnation for a palpable violation of the municipal law; but that is not this case. The whole thing is done under the international law. Now, there is no principle better established than that neutrals have no right to interfere in any manner between the captor and his prize, except in one particular instance, and that is where the prize has been captured in neutral waters and afterwards comes of her own accord within the neutral jurisdiction. In that case, and in that case alone, the neutral prize court may adjudicate the case, and if they find the allegation of *infra terminos* proved, they may restore the property to the original owner.

If a lawful prize, contrary to prohibition, come within neutral waters, the most the neutral can do is to order her to depart without interfering in any manner with the captor's possession.

It is admitted that, if she obstinately refuses to depart, or conducts herself otherwise in an improper manner, she may be compelled to depart, or may indeed be seized and confiscated as a penalty for her offense. But there is no plea of that kind set up here. To show how sacred is the title of mere possession on the part of a captor, permit me to quote from one of your own authorities. On page 42 of the 1st vol. of Phillimore on International Law, you will find the following passage:

"In 1654 a treaty was entered into between England and Portugal, by which, among other things, both countries mutually bound themselves not to suffer the ships and goods of the other taken by enemies and carried into the ports of the other to be conveyed away from the original owners or proprietors.

"Now, I have no scruple in saying (observes Lord Stowell in 1798) that this is an article incapable of being carried into literal execution according to the modern understanding of the law of nations; for no neutral country can intervene to wrest from a belligerent prizes lawfully taken. This is, perhaps, the strongest instance that could be cited of what civilians call the *consuetudo obligatorio.*"

This being the nature of my title, the reasons should be very urgent which should justify my being forcibly dispossessed of it. But there are no such reasons apparent. It is not contended that there was any misconduct on the part of the Tuscaloosa, unless her entry into a British port as a confederate cruiser be deemed misconduct. As stated in the beginning of this letter, she had no intention of violating any order of the Queen. Her error, therefore, if it were an error, is entitled to be considered with gentleness and not with harshness. Her error was the error of yourself and his excellency the governor, as well as myself. We all agreed, I believe, that she was a lawfully commissioned ship, and that her commission estopped all further inquiry. In the mean time she proceeds to sea thus endorsed, as it were, by the colonial authorities; your home government overrules your decision; the Tuscaloosa returns in good faith to your port to seek renewed hospitality under your orders of neutrality. And [375] what happens? An English *officer, armed with your order, proceeds on board of her, turns her commander and officers out of her, and assumes possession on the ground that she has violated the Queen's orders; and this without any warning to depart or any other notice whatever. In the name of all open and fair dealing, in the name of frankness, candor, and good faith, I most respectfully enter my protest against such an extreme, uncalled-for, and apparent unfriendly course.

But the most extraordinary part of the proceeding has yet to be stated. You not only divest me of my title to my prize, but you tell me that you are about to hand her over to the enemy! On what principle this can be done I am utterly at a loss to conceive. Although it may be competent to a government, in an extreme case, to confiscate to the exchequer a prize, there is but one possible contingency in which the prize can be restored to the opposite belligerent, and that is the one already mentioned of a capture within neutral jurisdiction. And this is done on the ground of the nullity of the original capture. The prize is pronounced not to have been lawfully made, and this being the case, and the vessel being within the jurisdiction of the neutral whose waters have been violated, there is but one course to pursue. The vessel does not belong to the captor, and as she does not belong to the neutral, as a matter of course she belongs to the opposite belligerent, and must be delivered up to him. But there is no analogy between that case and the one we are considering. My capture cannot be declared a nullity. My title is as good against the enemy as though condemnation had passed. The vessel either belongs to me or to the British government. If she belongs to me, justice requires that she should be delivered up to me. If she belongs (by way of confiscation) to the British government, why should that government make a gratuitous present of her to one of the belligerents rather than the other?

My goverument cannot fail, I think, to view this matter in the light in which I have placed it; and it is deeply to be regretted that a weaker people struggling against a stronger for very existence should have so much cause to complain of the unfriendly disposition of a government from which, if it represents truly the instincts of Englishmen, it had the right to expect at least sympathy and kindness in the place of rigor and harshness.

I have, &c.,
(Signed) R. SEMMES.

[Inclosure 3 in No. 45.]

Rear-Admiral Sir B. Walker to Captain Semmes.

NARCISSUS, *Simon's Bay, March* 24, 1864.

SIR: I have the honor to acknowledge your letter, dated the 22d instant, received last night, containing your protest against the detention of the so-called bark Tuscaloosa, and beg to acquaint you that I will not fail to forward the same to Her Britannic Majesty's government by the earliest opportunity.

It is right that I should also inform you that the Tuscaloosa has been detained at this port in accordance with instructions from England.

I have, &c.,
(Signed) B. W. WALKER.

[Inclosure 4 in No. 45.]

Rear-Admiral Sir B. Walker to the secretary to the admiralty.

NASCISSUS, *Simon's Bay, April* 4, 1864.

Remarks of Sir B. Walker on breach of neutrality by Tuscaloosa.

SIR: In forwarding Captain Semmes's protest to their lordships I had not intended to have offered any remarks thereon; but, on reconsideration, there is one part on which I feel I ought to make a few observations. He states: "It is not contended that there was any misconduct on the part of the Tuscaloosa, unless her entry into a British port as a confederate cruiser be deemed misconduct. As stated in the beginning of this letter, she had no intention of violating any order of the Queen. Her error, therefore, if it were an error, is entitled to be considered with gentleness and not with harshness."

Now I contend that the proceedings of the Tuscaloosa were a direct violation of Her Majesty's orders made for the purpose of maintaining her neutrality, for she entered [376] *this port under the cloak of being a tender, having two small guns and a crew of only ten men, she being an uncondemned prize, with her cargo of wool on board, and that during her stay in British waters arrangements were made for the disposal of that valuable cargo, which was duly effected, and subsequently carried out at Angra Pequena, the probability of which proceeding I pointed out to the governor of this colony in my letter of the 8th August, 1863, and to their lordships in the seventh paragraph of my dispatch of the 19th of the same month, No. 186. If it were not intended to evade the Queen's orders, why was not the cargo destroyed like that of other vessels seized? And if it be contended that the cargo was kept for ballast, it was quite practicable to have obtained stone ballast before her first entry into this port, as it was after her cargo had been disposed of. Weighing all these circumstances, they appear to me to afford just grounds for asserting that a grave breach of neutrality and good faith was committed by the Tuscaloosa.

I have, &c.,
(Signed) B. W. WALKER.

No. 46.

Extracts from "diplomatic correspondence," presented to Congress, Part III, 1864–'65.

Mr. Dayton to Mr. Seward.

No. 488.] PARIS, *June* 13, 1864.

Arrival of Alabama at Cherbourg, June, 1863.

SIR: I was on Saturday telegraphed by our consular agent at Cherbourg that a confederate vessel (supposed to be the Florida) had just anchored in that harbor. Some two or three hours later in the day he telegraphed me as follows:

> The rebel steamer is the Alabama, with thirty-seven Federal prisoners. She has captured ship Rockingham, of New York, and a bark, off Cape of Good Hope.
> (Signed) EDWARD LIAIS, *Vice-Consul.*

I immediately telegraphed Captain Winslow, of United States ship Kearsarge, now at Flushing. Captain Winslow has replied to me that "he will be off Cherbourg about Wednesday." * * * I likewise immediately inclosed to M. Drouyn de Lhuys, minister of foreign affairs, a note of protest of like character as that made in the cases of the Florida and Georgia, a copy of which is herewith inclosed. I thought under all the circumstances it might be better not to neglect this, though the policy of the French government had been announced in the case of the other vessels. But I remembered that on one occasion when, in the course of conversation about these vessels, I said to M. Drouyn de Lhuys they needed but one ship more (the Alabama) to make the French ports a rendezvous for the entire rebel navy, and I thought she would next be here, he hastily said, "Monsieur, I will not permit that vessel to come in." It is just to say that this was not said by him, nor received by me, as a deliberate promise; it seemed rather an impulse, an outbreak of annoyance at the use their ports were being put to, which he truly remarked could not be the result of accident, but was obviously intended to beget trouble between France and the United States. Still, the character of this vessel is so obnoxious, and so notorious, that it is possible they may exclude her; but, if otherwise, it is well to know and understand that they will apply their rules in the most extreme cases. If they act upon these principles they can scarcely complain if we, in return, when occasion shall arise, apply the same to themselves.

If any increase of our naval force on this coast is contemplated, as your late dispatch informs me, I hope that as little delay in sending it may occur as possible. The arrival of the Alabama will spread universal dismay among American shippers in these seas and all engaged in American trade.

I am, &c.,
(Signed) WM. L. DAYTON.

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[377] *PARIS, *June* 11, 1864.

M. LE MINISTRE: You have no doubt been informed that the rebel corsair, the Alabama, arrived to-day at Cherbourg with thirty-seven Federal prisoners.

Protest of United States minister.

Like protests as made by me in the cases of the Florida and the Georgia I beg, for still stronger reasons, to extend to the Alabama.

Accept, &c.,
(Signed) W. L. DAYTON.

Mr. Dayton to Mr. Seward.

No. 491.] PARIS, *June* 17, 1864.

SIR: You will, doubtless, have received, before this, notice of the arrival of the Alabama in the port of Cherbourg, and my protest to this government against the extension of any accommodations to this vessel. M. Drouyn de Lhuys yesterday informed me that they had made up their minds to this course, and he gave me a copy of the written directions given by the minister of marine to the vice-admiral, maritime prefect of Cherbourg, a translation of which accompanies this dispatch. But he at the same time informed me that the United States ship of war the Kearsarge had appeared off the port of Cherbourg, and there was danger of an immediate fight between those vessels. That the Alabama professes its entire readiness to meet the Kearsarge, and he believed that each would attack the other as soon as they were three miles off the coast. That a sea fight would thus be got up in the face of France, and at a distance from their coast within reach of the guns used on shipboard in these days. That the distance to which the neutral right of an adjoining Government extended itself from the coast was unsettled, and that the reason of the old rules, which assumed that the three miles was the outermost reach of a cannot-shot, no longer existed, and that, in a word, a fight on or about such a distance from their coast would be offensive to the dignity of France, and they would not permit it. I told him that no other rule than the three-mile rule was known or recognized as a principle of international law; but if a fight were to take place, and we would lose nothing and risk nothing by its being farther off, I had, of course, no objection. I had no wish to wound the susceptibilities of France by getting up a fight within a distance which made the cannon-shot liable to fall on her coast. I asked him if he would put his views and wishes on this question in writing, and he promised me to do so. I wrote to Captain Winslow this morning, and herewith inclose you a copy of my letter. I have carefully avoided in this communication anything which would tend to make the Kearsarge risk anything by yielding what seemed to me an admitted right.

To deliver this letter, and understand some other matters in respect to the alleged sale of the clipper-ships at Bordeaux, I have sent my son to Cherbourg.

I am, &c.,
(Signed) WM. L. DAYTON.

Mr. Dayton to Captain Winslow.

SIR: This will be delivered to you by my son and assistant secretary of legation. I have had a conversation this afternoon with M. Drouyn de Lhuys, minister of foreign affairs. He says they have given the Alabama notice that she must leave Cherbourg; but in the mean time you have come in and are watching the Alabama, and that this vessel is anxious to meet you, and he supposes you will attack her as soon as she gets three miles off the coast. That this will produce a fight, which will be at best a fight in waters which may or may not be French waters, as accident may determine. That it would be offensive to the dignity of France to have a fight under such circumstances, and France will not permit it. That the Alabama shall not attack you, nor you her, within the three miles, or on or about that distance off. Under such circumstances I do not suppose that they would have, on principles of international law, the least right to interfere with you if three miles off the coast; but if you lose nothing by fighting six or seven miles off the coast instead of three, you had best do so. You know better than I (who have little or no knowledge of the relative strength of the two vessels) whether the pretense of the Alabama of a readiness to meet you is more than a pretense, and I do not wish you to sacrifice any advantage if you have it. I suggest only that you avoid all unnecessary trouble with France; but if the Alabama can be taken without violating any rules of international law, and may be lost if such a principle is [378] * yielded, you know what the Government would expect of you.

You will, of course, yield no real advantage to which you are entitled, while you are careful to so act as to make, uselessly, no unnecessary complications with the Government. I ought to add, that Mr. Seward's dispatch, dated May 20, 1864, was in the following words: "The Niagara will proceed, with as much dispatch as possible, to cruise in European waters, and that the Dictator, so soon as she shall be ready for sea, (which is expected to be quite soon,) will follow her, unless, in the mean time, advices from yourself and Mr. Adams shall be deemed to furnish reasons for a change of purpose in that respect." That you may understand exactly the condition of things here in regard to the Alabama, I send you herewith a copy of a communication from the minister of marine to the naval prefect of Cherbourg, furnished me by the minister of foreign affairs.

Respectfully, &c.,
(Signed) WM. L. DAYTON.

The minister of the marine and the colonies to M. the vice-admiral, maritime prefect at Cherbourg.

[Translation.]

CABINET OF THE MINISTER,
Paris, June 15, 1864, noon.

Instructions given by French government.

We cannot permit the Alabama to enter into one of our basins of the arsenal, that not being indispensable to place it in a state to go again to sea. This vessel can address itself to commerce (commercial accommodations) for the urgent repairs it has need of to enable it to go out; but the principles of neutrality, recalled in my circular of the 5th of February, do not permit us to give to one of the belligerents the means to augment its forces, and in some sort to rebuild itself; in fine, it is not proper that one of the belligerents take, without ceasing, our ports, and especially our arsenals, as a base of their operations, and, so to say, one of their own proper ports.

You will observe to the captain of the Alabama, that he has not been forced to enter into Cherbourg by any accidents of the sea, and that he could altogether as well have touched at the ports of Spain, or Portugal, of England, of Belgium, and of Holland.

As to the prisoners made by the Alabama, and who have been placed ashore, they are free from the time they have touched our soil; but they ought not to be delivered up to the Kearsarge, which is a Federal ship of war. This would be for the Kearsarge an augmentation of military force, and we can no more permit this for one of the belligerents than for the other.

Mr. Adams to Earl Russell.

No. 47.] LEGATION OF THE UNITED STATES,
London, June 25, 1864. (Received June 25.)

MY LORD: I feel it my duty to submit to your consideration a copy of the official report of Captain Winslow, of the United States steamer Kearsarge, to the Secretary of the Navy, respecting the action which took place on Sunday last with the vessel first known at Liverpool as the gun-boat No. 290, and since under the name of the Alabama.

Destruction by Kearsarge.

It would appear from this statement that a grave question has arisen as to the fact of the interference of a British vessel with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who had already surrendered themselves as prisoners of war. These persons have been brought to this kingdom, and are believed to be in readiness to enter again into the same service on the first opportunity. Thus the system heretofore so frequently brought to your lordship's notice of making this island the base of hostile operations against the commerce of the United States is in danger of being carried on under a still more aggravated form.

I have the honor likewise to transmit a list of the names and official character of the persons who were picked up by the yacht Deerhound, and brought to this island. I feel it my duty to call your lordship's attention to the remarkable proportion of officers and of American insurgents in this list, as compared with the whole number of persons rescued from the waves. That this selection was made by British subjects with a view to [379] *connive at the escape of these particular individuals from captivity, I can scarcely entertain a doubt.

Representation by Mr. Adams as to rescue of Captain Semmes and others from drowning by the Deerhound.

Inasmuch as the questions involved in this proceeding appear to me of a character too serious to justify my proceeding further without specific instructions, I shall now content myself with simply submitting these papers for the information of Her Majesty's government.

Question as to proceedings of Deerhound

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 47.]

Captain Winslow, United States Navy, to Mr. Welles.

KEARSARGE, *Cherbourg, France, June* 21, 1864.

SIR: I have the honor to report that toward the close of the action between the Alabama and this vessel, all available sail was made on the former, for the purpose of again reaching Cherbourg. When the object was apparent, the Kearsarge was steered across the bow of the Alabama for a raking fire, but before reaching this point the Alabama struck. Uncertain whether Captain Semmes was not making some ruse, the Kearsarge was stopped. It was seen shortly afterward that the Alabama was lowering her boats. And an officer came alongside in one of them to say that they had surrendered, and were fast sinking, and begging that boats would be dispatched immediately for saving of life. The two boats not disabled were at once lowered, and as it was apparent the Alabama was settling, this officer was permitted to leave in his boat to afford assistance.

An English yacht, the Deerhound, had approached near the Kearsarge at this time, when I hailed and begged the commander to run down to the Alabama, as she was fast sinking, and we had but two boats, and assist in picking up the men. He answered affirmatively, and steamed toward the Alabama, but the latter sunk almost immediately. The Deerhound, however, sent her boats, and was actively engaged, aided by several others which had come from the shore.

These boats were busy in bringing the wounded and others to the Kearsarge, whom we were trying to make as comfortable as possible, when it was reported to me that the Deerhound was moving off. I could not believe that the commander of that vessel could be guilty of so disgraceful an act as taking our prisoners off, and therefore took no means to prevent it, but continued to keep our boats at work, rescuing the men in the water.

I am sorry to say that I was mistaken. The Deerhound made off with Captain Semmes and others, and also the very officer who had come on board to surrender.

I learned subsequently that the Deerhound was a consort of the Alabama, and that she received on board all the valuable personal effects of Captain Semmes the night before the engagement.

I have, &c.,
(Signed) JNO. A. WINSLOW.

[Inclosure 2 in No. 47.]

List of officers and men belonging to the Alabama who were picked up by the British yacht Deerhound, and landed at Southampton.

Captain—Semmes.
Lieutenants—Kell and Sinclair.
Lieutenant—Howell, (marines.)
Sailing-master—Bullock.
Midshipmen—Maffit and Anderson.
Master's assistants—G. T. Fulham, J. Evans, Muliner, and Schroeder.
Engineer—O'Brien.
Gunner—Cuddy.
Captain's clerk—Smith.
Petty officers—J. Braesman, W. Crawford, W. Purdy, J. Dent, B. Johnston, C. Seymour, C. Steeson, J. Connor.
Firemen—O. Duffy, J. Foxon, W. Levins, M. McFarlane, J. Mason.
Seamen—T. McMillan, F. Townshend, R. Masters, G. Redman, H. Angel, W. McClellan, W. Hearn, L. Depoys, A. Pfiffer, F. Lennan, J. Mahan, P. Wharton, T. Kehoe, and R. Longshaw.

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[380] *No. 48.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 27, 1864.

Reply of Earl Russell as to proceedings of Deerhound.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, complaining of the interference of a British vessel, the Deerhound, with a view to aid in effecting the escape of a number of persons belonging to the Alabama, who you state had already surrendered themselves prisoners of war, and calling my attention to the remarkable proportion of officers and American insurgents, as compared with the whole number of persons rescued from the waves. You state, further, that you can scarcely entertain a doubt that this selection was made by British subjects with a view to connive at the escape of these particular individuals from captivity.

I have the honor to state to you, in reply, that it appears to me that the owner of the Deerhound, of the Royal Yacht Squadron, performed only a common duty of humanity in saving from the waves the captain and several of the crew of the Alabama. They would otherwise, in all probability, have been drowned, and thus would never have been in the situation of prisoners of war.

It does not appear to me to be any part of the duty of a neutral to assist in making prisoners of war for one of the belligerents.

I shall, however, transmit to the owner of the Deerhound a copy of your letter and its inclosures, together with a copy of this letter.

I am, &c.,
(Signed) RUSSELL.

No. 49.

Mr. Hammond to Mr. Lancaster.

FOREIGN OFFICE, *June* 27, 1864.

Copy of Mr. Adams's representation furnished to owner of Deerhound.

SIR: I am directed by Earl Russell to transmit to you a copy of a note and its inclosures from the United States minister at this court,[1] complaining of the course pursued by you in aiding the escape of a portion of the crew of the Alabama, who, it is alleged, had surrendered themselves as prisoners of war to the United States ship Kearsarge.

I also inclose a copy of the note which his lordship has addressed to Mr. Adams in reply.[2]

I am, &c.,
(Signed) E. HAMMOND.

No. 50.

The Secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *June* 27, 1864. (Received June 28.)

Arrival of eleven of the crew of the Alabama at Eastbourne.

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that eleven men lately belonging to the confederate vessel Alabama were landed on the 24th instant, at Eastbourne, from the smack Robert and Mary, of Southampton, last from Cherbourg.

The men stated they were picked up by the Kearsarge on Sunday last, and liberated at Cherbourg, and were then proceeding to London.

I am, &c.,
(Signed) C. PAGET.

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[381] * No. 51.

Mr. Clarke to Earl Russell.

HINDLEY HALL, *Wigan*, *July* 4, 1864. (Received July 5.)

Narrative of owner of Deerhound.

MY LORD: On behalf of Mr. John Lancaster, I beg to acknowledge the receipt of your lordship's favor, dated the 27th June, 1864, accompanied with certain documents relating to that gentleman's part in the rescue of the captain and a portion of the crew of the Alabama on the 19th ultimo.

Mr. Lancaster left here on Monday last for Norway, whence he is expected to return about the latter end of next week. Immediately on his arrival at home the above-mentioned documents shall be submitted to him, and I have no doubt they will receive his prompt attention.

I take the liberty of drawing your lordship's attention to a letter from Mr. Lancaster, inserted in the Daily News of the 29th ultimo, (p. 5, col.

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[1] No. 47.

[2] No. 48.

6,) a copy of which paper I inclose with this. The letter contains Mr. Lancaster's own narrative of his share in the proceedings to which it refers, and it will be seen that he therein emphatically denies many of the allegations advanced by Captain Winslow and inclosed by Mr. Adams.

I have, &c.,
(Signed) EDMUND CLARKE.

[Inclosure in No. 51.]

Extract from the Daily News of June 29, 1864.

THE DEERHOUND, THE ALABAMA, AND THE KEARSARGE.

HINDLEY HALL, *Wigan, June* 27.

To the editor of the Daily News:

SIR: As two correspondents in your journal, in giving their versions of the fight between the Alabama and the Kearsarge, have designated my share in the escape of Captain Semmes and a portion of the crew of the sunken ship as "dishonorable," and have moreover affirmed that my yacht (the Deerhound) was in the harbor of Cherbourg before the engagement, and proceeding thence on the morning of the engagement in order to assist the Alabama, I presume I may trespass upon your kindness so far as to ask for an opportunity to repudiate the imputation and deny the assertion. They admit that when the Alabama went down the yacht, being near the Kearsarge, was hailed by Captain Winslow, and requested to aid in picking up the men who were in the water; but they intimate that my services were expected to be merely ministerial; or, in other words, that I was to put myself under the command of Captain Winslow, and place my yacht at his disposal for the capture of the poor fellows who were struggling in the water for their lives. The fact is, that when we passed the Kearsarge the captain cried out, "For God's sake, do what you can to save them," and that was my warrant for interfering in any way for the aid and succor of his enemies. It may be a question with some whether, without that warrant, I should have been justified in endeavoring to rescue any of the crew of the Alabama, but my own opinion is that a man drowning in the open sea cannot be regarded as an enemy at the time to anybody, and is therefore entitled to the assistance of any passer-by. Be this as it may, I had the earnest request of Captain Winslow to rescue as many of the men who were in the water as I could lay hold of, but that request was not coupled with any stipulation to the effect that I should deliver up the rescued men to him as his prisoners. If it had been I should have declined the task, because I should have deemed it dishonorable—that is, inconsistent with my notions of honor—to lend my yacht and crew for the purpose of rescuing those brave men from drowning, only to hand them over to their enemies for imprisonment, ill-treatment, and perhaps execution. One of your correspondents opens a letter by expressing a desire to bring to the notice of the yacht clubs of England the conduct of the commander of the Deerhound, which followed the engagement of the Alabama and Kearsarge. Now that my conduct has been impugned, I am equally wishful that it should come under the notice of the yacht clubs of England, and I am quite willing to leave the point of "honor" to be decided by my brother yachtsmen, and, indeed, by any tribunal of gentlemen. As to my [382] legal right to take away Captain Semmes and his friends, I have *been educated in the belief that an English ship is English territory, and I am therefore unable even now to discover why I was more bound to surrender the people of the Alabama whom I had on board my yacht, than the owner of a garden on the south coast of England would have been if they had swum to such a place and landed there, or than the mayor of Southampton was when they were lodging in that city, or than the British government is now that it is known that they are somewhere in England.

Your other correspondent says that Captain Winslow declares that "the reason he did not pursue the Deerhound, or fire into her, was that he could not believe at the time that any one carrying the flag of the Royal Yacht Squadron could act so dishonorable a part as to carry off the prisoners whom he had requested him to save from feelings of humanity." I was not aware then, and I am not aware now, that the men whom I saved were or ever had been his prisoners. Whether any of the circumstances which had preceded the sinking of the Alabama constituted them prisoners was a question that never came under my consideration, and one which I am not disposed to discuss even now. I can only say that it is new doctrine to me that, when one ship sinks another in warfare, the crew of the sunken ship are debarred from swimming for their lives, and seeking refuge wherever they can find it; and it is a doctrine which I shall not accept unless backed by better authority than that of the master of the Kearsarge. What Captain Winslow's notion of humanity may be is a point beyond my knowledge; but I have good reason for believing that not many members of the Royal Yacht Squadron would, from "motives of humanity," have taken Captain Semmes from the water in order to give him up to the tender mercies of Captain Winslow and his compatriots. Another reason for that hero's forbearance may be imagined in the reflection that such a forbearance as that of Captain Wilkes, who dragged two "enemies" or "rebels" from an English ship, would not bear repetition. Your anonymous correspondent further says that "Captain Winslow would now have all the officers and men of the Alabama as prisoners had he not placed too much confidence in the honor of an Englishman who carried the flag of the Royal Yacht Squadron." This is a very questionable assertion; for why did Captain Winslow confide in that Englishman? Why did he implore his interference, calling out, "For God's sake, do what you can to save them?" I presume it was because he could not or would not save them himself. The fact is that if the captain and crew of the Alabama had depended for safety altogether from Captain Winslow, not one-half of them would have been saved. He got quite as many of them as he could lay hold of, time enough to deliver them from drowning.

I come now to the more definite charges advanced by your correspondents, and these I will soon dispose of.

They maintain that my yacht was in the harbor of Cherbourg for the purpose of assisting the Alabama, and that her movements before the action prove that she attended her for the same object. My impression is that the yacht was in Cherbourg to suit my convenience and pleasure, and I am quite sure that when there I neither did nor intended to do anything to serve the Alabama. We steamed out on Sunday morning to see the engagement, and the resolution to do so was the result of a family council, whereat the question "to go out" or "not to go out" was duly discussed, and the decision in the affirmative was carried by the juveniles rather against the wish of both myself and my wife. Had I contemplated taking any part in the movements of the Alabama, I do not think I should have been accompanied with my wife and several young children.

One of your correspondents, however, says that he knows that the Deerhound did assist the Alabama, and if he does know this he knows more than I do. As to the movements of the Deerhound before the action, all the movements with which I was acquainted were for the objects of enjoying the summer morning, and getting a good and safe place from which to watch the engagement.

Another of your correspondents declares that since the affair it has been discovered that the Deerhound was a consort of the Alabama, and on the night before had received many valuable articles for safe-keeping from that vessel. This is simply untrue. Before the engagement neither I nor any of my family had any knowledge of or communication with either Captain Semmes, any of his officers, or any of his crew. Since the fight I have inquired from my captain whether he or any of my crew had had any communication with the captain or crew of the Alabama prior to meeting them on the Deerhound after the engagement, and his answer, given in the most emphatic manner, has been, "None whatever."

As to the deposit of chronometers and other valuable articles, the whole story is a myth. Nothing was brought from the Alabama to the Deerhound, and I never [383] heard of the tale till I saw it in an extract from your own columns. After the fight was *over, the drowning men picked up, and the Deerhound steaming away to Southampton, some of the officers who had been saved began to express their acknowledgments for my services, and my reply to them, which was addressed to all who stood around, was: "Gentlemen, you have no need to give me any special thanks. I should have done exactly the same for the other people if they had needed it." This speech would have been a needless, and indeed an absurd piece of hypocrisy, if there had been any league or alliance between the Alabama and the Deerhound.

Both your correspondents agree in maintaining that Captain Semmes and such of his crew as were taken by the Deerhound are bound in honor to consider themselves still as prisoners, and to render themselves to their lawful captors as soon as practicable.

This is a point which I have nothing to do with, and therefore I shall not discuss it. My object in this letter is merely to vindicate my conduct from misrepresentation; and I trust that in aiming at this I have not transgressed any of your rules of correspondence, and shall therefore be entitled to a place in your columns.

I am, &c.

(Signed) JOHN LANCASTER.

No. 52.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 8, 1864.

SIR: With reference to my letter of the 27th ultimo, in which I stated that I should transmit to the owner of the Deerhound a copy of your letter of the 25th ultimo, I have the honor to inclose a copy of a letter from Mr. Edmund Clarke,[1] who, in Mr. Lancaster's absence in Norway, acknowledged the receipt of my communication.

I am, &c.,
(Signed) RUSSELL.

No. 53.

Mr. Lancaster to Earl Russell.

HINDLEY HALL, *Wigan, July* 16, 1864. (Received July 18.)

Further account by owner of Deerhound.

MY LORD: On my return here on Wednesday last, after a visit to Norway, I received your lordship's note of the 27th ultimo, together with copies of a note and its inclosures from the United States minister at the court of Her Majesty, complaining of the course pursued by me in aiding the escape of a portion of the crew of the Alabama, who it is alleged had surrendered themselves as prisoners of war to the United States ship Kearsarge.

In dealing with this complaint I shall not trouble your lordship with any remarks on the questions of maritime and international law which have arisen out of the circumstances connected with the sinking of the confederate ship the Alabama, but I shall confine myself to a succinct but complete narrative of those proceedings in which I was personally concerned.

I am, as your lordship has been informed, the owner of the yacht Deerhound, and a member of the Royal Yacht Squadron. On the 7th of June last, my family, that is to say, my wife, my four children, and my niece, embarked on board the yacht, and sailed from Southampton with the view of cruising for about a fortnight around some of the Channel Islands and beside the coast of France. Business engagements prevented me accompanying them, but I joined them at Guernsey on Saturday, June 11. On the same day we sailed for Jersey, in the neighborhood of which island we remained until the following Thursday, June 16. On the morning of that day we left St. Helier's for St. Malo, arriving there at 8 a. m. We detained the yacht in the harbor of St. Malo, and in the night slept therein. On the following morning (Friday) we left the yacht, ordering it to proceed to Cherbourg, while we had a run into the interior. Early in the day we started by rail to Le Mans, and there stopped all night. Next morning (Saturday) we pushed on for Caen, and, after refreshment and sight-seeing there, we proceeded to Cherbourg, at which place we arrived about 10 o'clock [384] at night. Prior to this time I had *never seen Captain Semmes, nor had I had any communication, direct or indirect, with any person connected with the Alabama, and it will, I think, be admitted that at 10 o'clock on Saturday night it was too late to settle the terms of an alliance between my yacht and the confederate vessel for operations on Sunday morning. It is true that the Deerhound lay in Cherbourg during Friday night and Saturday; but my captain assures me that there was no intercourse during that time between him and Captain Semmes, or anybody acting on behalf of that confederate officer. So far from the Deerhound being, as has been alleged, the consort of the Alabama, there was no connection whatever between the two vessels, and the officers and crew of the one were strangers to the officers and crew of the other.

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[1] No. 51.

Soon after we arrived on board the yacht on Saturday night we heard the rumor that there was to be an engagement between the Alabama and the Kearsarge on the following morning, and the question came up for discussion in our family circle whether the Deerhound should put out to sea and take up a position where we could with safety witness something of the engagement between the two hostile ships; and as the juveniles were nearly all one way, the question was decided in the affirmative rather against the wish of both myself and my wife. Accordingly at 9 o'clock in the morning we steamed out of Cherbourg Harbor to enjoy the summer breeze, and, if feasible, to see the great fight. That I did not propose to succor the Alabama in any way is manifest from the fact that I took my wife and family with me to participate in my movements and share my perils should I be exposed to any. At half-past 10 o'clock we saw the Alabama steaming out of the harbor toward the Federal vessel Kearsarge, and twenty minutes afterward the action commenced. At half-past 12 o'clock we observed the Alabama to be disabled, and in a sinking state; and as I saw that no boats were being lowered from the Kearsarge to save the crew of the sinking ship, it occurred to me that the Kearsarge also must be disabled, and that her crew must be unable to help the people of the Alabama. Under this impression I felt it my duty to make toward the Kearsarge in order to offer assistance, and when within hail of that vessel I called out and asked whether I could afford them any help, and the answer was "No; but for God's sake do what you can to save them!" We immediately pushed toward the Alabama, and when within a distance of 200 yards, she sank. This occurred at 12.50. We then lowered our two boats, and, with the assistance of the Alabama's whale-boat and dingy, succeeded in saving about forty men, including Captain Semmes and thirteen officers. At 1 p. m. we steered for Southampton.

I acknowledge, my lord, that in leaving the scene of action so quickly I was animated with a wish to save from captivity Captain Semmes and the others whom we had rescued from drowning; but I should have done the same for the people of the Kearsarge if they had been placed in similar jeopardy. I am charged with having aided in the escape of men who "had surrendered themselves prisoners of war," but I did not know at the time that they had so surrendered. Whether, under the circumstances, they could be justly considered "prisoners of war," is a question which I will not presume now to discuss, inasmuch as it is not necessary for my justification. At the time when I rescued Captain Semmes and others from the water, I had the warrant for so doing in the request from the captain of the Kearsarge that I would render them assistance. That request was not accompanied with any condition or stipulation, and therefore, having got as many of the drowning men on board as I could reach, I was not conscious of being under any obligation to consult the captain of the Kearsarge as to their disposal, and took them as soon as possible to Southampton, in compliance with their own earnest entreaties.

I trust, my lord, that this simple narrative will be sufficient to disprove the allegation of complicity or alliance between the confederate ship the Alabama and my yacht the Deerhound, and to show that in rescuing Captain Semmes and others from drowning I had the warrant of the captain of the Kearsarge, and that in taking them to Southampton I was actuated only by motives of humanity.

I am, &c.,
(Signed) JOHN LANCASTER.

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[385] *No. 54.

Lord Lyons to Earl Russell.

WASHINGTON, *July* 8, 1864. (Received July 21.)

Official report of captain of Kearsarge.

MY LORD: I have the honor to inclose an extract from a newspaper containing copies of official reports received by the Secretary of the Navy from Captain Winslow, of the engagement between the Kearsarge and the Alabama off Cherbourg.

I have, &c.,
(Signed) LYONS.

[Inclosure in No. 54.]

Extract from the National Intelligencer of July 8, 1864.

THE DESTRUCTION OF THE ALABAMA—OFFICIAL REPORTS.—The Secretary of the Navy has received from Captain Winslow, of the United States steamer Kearsarge, the following official report of the engagement of that ship with the confederate steamer Alabama, and its results:

"KEARSARGE, *Cherbourg, France, June* 19, 1864.

"SIR: I have the honor to inform the Department that the day subsequent to the arrival of the Kearsarge off this port, on the 14th instant, I received a note from Captain Semmes, begging that the Kearsarge would not depart, as he intended to fight her, and would not delay her but a day or two.

"According to this notice the Alabama left the port of Cherbourg this morning at about 9.30 o'clock. At 10.20 a. m. we discovered her steering toward us. Fearing the question of jurisdiction might arise, we steamed to sea until a distance of six or seven miles was attained from the Cherbourg breakwater, when we rounded-to and commenced steaming for the Alabama. As we approached her, within about 1,200 yards, she opened fire, we receiving two or three broadsides before a shot was returned. The action continued, the respective steamers making a circle round and round, at a distance of about 900 yards from each other.

"At the expiration of an hour the Alabama struck, going down in about twenty minutes afterward, and carrying many persons with her.

"If affords me great satisfaction to announce to the Department that every officer and man did their duty, exhibiting a degree of coolness and fortitude which gave great promise at the outset of certain victory.

"I have, &c.,
(Signed) "J. A. WINSLOW.
"Hon. GIDEON WELLES,
"*Secretary of the Navy.*"

"KEARSARGE, *Cherbourg, France, July* 20, 1864.

"SIR: I inclose herewith the surgeon's report of the casualties on board this vessel in the late action with the Alabama. Although we received some twenty-five or thirty shots, twelve or thirteen taking effect in the hull, by the mercy of God we have been spared the loss of life; whereas, in the case of the Alabama, the carnage, I earn, was dreadful.

The ships were about equal in match, the tonnage being the same; the Alabama carrying one 100-pounder rifle, with one heavy 68-pounder, and six broadside 32-pounders; and the Kearsarge carrying four broadside 32-pounders, two 12-inch and one 28-pounder rifle—one gun less than the Alabama.

"The only shot which I fear will give any trouble is the 100-pounder rifle, which entered our stern-post, and remains at present unexploded.

"It would seem almost invidious to particularize the conduct of any one man or officer in an action in which all had done their duty with a fortitude and coolness which cannot be too highly praised; but I feel it due to my executive officer, Lieutenant Commander Thornton, who superintended the workings of the battery, to particularly mention him for an example of coolness and encouragement of the men while fighting, which contributed much toward the success of the action.

"Very respectfully, &c.,
(Signed) "J. A. WINSLOW.

"Hon. GIDEON WELLES,
"*Secretary of the Navy.*"

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[386] *"KEARSARGE, *Cherbourg, France, June* 19, 1864.

"SIR: I report the following casualties from the engagement this morning with the Alabama:

"John W. Dempsey, quarter-gunner; compound fracture of right arm; arm amputated.

"William Gowin, ordinary seaman; compound fracture of left thigh and leg; seriously.

"James McBeth, ordinary seaman; compound fracture of left leg; seriously wounded.

"Very respectfully, &c.,
(Signed) "JOHN W. BROWNE,
"*Surgeon.*

"Captain JOHN A. WINSLOW,
"*Commanding United States Steamer Kearsarge.*"

No. 55.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 26, 1864.

Copy of further account by owner of Deerhound forwarded to Mr. Adams. Lord Russell does not think it necessary to proceed with the matter.

SIR: With reference to my letter of the 8th instant, I have now the honor to transmit to you a copy of a letter which I have received from Mr. Lancaster,[1] containing his answer to the representations contained in your letter of the 24th ultimo, with regard to the course pursued by him in rescuing Captain Semmes and others on the occasion of the sinking of the Alabama, and I have the honor to inform you that I do not think it necessary to take any further steps in the matter.

I am, &c.,
(Signed) RUSSELL.

No. 56.

Consul Hamond to Earl Granville.

CHERBOURG, *October* 10, 1871. (Received October 12.)

MY LORD: In conformity with your lordship's instructions in your dispatch of the 28th ultimo, I have the honor to transmit herewith a report of the proceedings of the Alabama at this port. I have annexed to it extracts from the newspapers, and I have collected all the information which I could obtain upon the subject.

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[1] No. 53.

I have, &c.,
(Signed) HORACE HAMOND.

[Inclosure 1 in No. 56.]

Report by Consul Hamond as to the movements of the Alabama at Cherbourg in 1864.

Account of proceedings of Alabama at and off Cherbourg.

The confederate cruiser Alabama, under the command of Captain Semmes, carrying eight guns and one hundred and forty-seven men, anchored in Cherbourg Roads on the 11th of June, 1864, having left the Cape of Good Hope on the 25th of March. On her arrival she disembarked thirty-eight men, whom she had taken prisoners on board two United States merchant-ships, believed to be then and there sunk.

Arrangements were made for the Alabama to go into the dock-yard for repairs, of which she was much in need; but on the 14th instant the United States corvette Kearsarge appeared outside the breakwater, and hoisted at her mast a "torchon," as a signal of defiance to the Alabama, and Captain Winslow, in command of the Kearsarge, two or three days afterward (the exact date cannot be ascertained) sent to the confederate agent, through the United States vice-consul, a letter to Captain Semmes, challenging him to a naval engagement. This challenge Captain Semmes immediately accepted, in a letter couched, as I am informed, in a firm but moderate tone. When Mr. Slidell heard, at Paris, of the threatened combat, he wrote to Captain [387] Semmes to urge him most strongly not to engage his vessel in an unequal *combat; but all remonstrance was in vain with this gallant officer. One hundred and fifty tons of coal was shipped on board the Alabama from a private yard; but the *préfet maritime* refused to allow twenty-five extra hands, who had arrived from Havre, to be embarked.

About 11 a. m. on the 19th instant the French iron-clad frigate Couronne escorted the Alabama in neutral waters, and there left her. The action commenced directly, and the account of it is so graphically and faithfully described in the local paper of the day that any comment of mine would appear weak and misplaced.

The number of killed is not correctly known; but seventy-three prisoners were given up by an officer of the Kearsarge to the confederate agent, by whom they were repatriated. The same agent wrote to M. Drouyn de Lhuys, then minister of foreign affairs, a letter which I regret not to be able to inclose, in which he argued that the officers of the Alabama who had been taken prisoners in the Kearsarge could not be claimed on neutral ground by a foreign ship of war. These officers, four in number, were released on parole, but rejoined the Kearsarge in England.

The United States envoy at Paris sent his son to Cherbourg to assist the vice-consul, who had written for instructions; and Captain Sinclair, an officer in the confederate navy, was also present on shore during the action.

The telegram does not mention the numbers saved by the Royal Yacht Squadron-steam-yacht Deerhound; but Her Majesty's government is probably aware of the number thus saved, and of their names.

With regard to the men who were picked up at sea and brought into Cherbourg, it appears that Captain Winslow claimed them as his prisoners; the letter which he wrote on the subject to the confederate agent, together with the answer, were inserted in one of the local papers.

(Signed) HORACE HAMOND.

CHERBOURG, *October* 10, 1871.

[Inclosure 2 in No. 56.]

Extracts from the Phare de la Manche.

JUNE 14, 1864.

La corvette américaine confédérée l'Alabama, de 8 canons et 147 hommes d'équipage, Capitaine Semmes, est arrivée sur rade de Cherbourg dans l'après-midi du 11 juin, venant du Cap de Bonne Espérance, d'où elle était partie le 25 mars. Elle a débarqué dans la soirée trente-huit prisonniers, formant les équipages de deux navires fédéraux qu'elle avait capturés en mer.

JUNE 16, 1864.

Nous avons dit que la corvette américaine confédérée Alabama est arrivée au mouillage sur notre rade le 11 de ce mois. Trois jours apèrs, la corvette fédérée Kearsarge est venue au large de la digue, où, depuis ce moment, elle louvoie sous vapeur entre la rade et l'ouvert de la baie, comme si elle guettait la sortie de son ennemi du Sud. Si le but du navire fédéral est d'attendre au passage le navire confédéré, il pourrait rester longtemps dans nos eaux; car, assure-t-on, l'Alabama aurait besoin de réparations, qui le retiendraient au moins deux mois à Cherbourg.

JUNE 18, 1864.

Le corsaire confédéré Alabama est toujours au mouillage sur notre rade, où il embarque son charbon, et qui n'indique pas qu'il doive se réparer à Cherbourg, comme le bruit en a couru.

Le corsaire fédéral Kearsarge continue à louvoyer, hors de vue, vers l'ouvert de la baie, poussant des bordées jusqu'à Mi-Manche.

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[388] *JUNE 20, 1864.

L'ALABAMA.—Dimanche, 19 juin, à midi et demi, l'Alabama coulait en vue de Cherbourg. Nous voudrions retracer toutes les péripéties de ce drame, avec autant d'exactitude que nous avons mis de soin à recueillir les renseignements qu'on a bien voulu nous donner.

Avant tout, comptons les morts et les blessés; j'allai dire nos morts et nos blessés, tant ici l'émotion fut universelle et profonde.

Le navire confédéré comptait 122 hommes d'équipage, 22 officiers. Il était commandé par M. Semmes, 56 ans. Tout le monde a entendu parler du navire qui tenait la mer depuis deux ans, et du capitaine qui a commandé le Sumter; quelques-uns de nos officiers de mer et de terre ont été témoins, les premiers lors de leur campagne au Mexique, les seconds lors de leur séjour en Algérie, des coups de vaillance de M. Semmes. Que les méticuleux en pensent ce qu'ils voudront, nous sommes de la patrie de Surcouf. Ceux de Cherbourg qui ont vu le Capitaine Semmes disent que sa martiale figure, aux longues moustaches, rappellait celle du général Allard, ce soldat exilé de la France, ministre et général de Runjeet Sing, qui organisa et, sa vie durant, sauvegarda l'indépendance du Punjaub. Le commandant du Kearsarge se nomme Winslow; il est du Sud, mais a embrassé la cause du Nord; ils ont, lui et M. Semmes, servi sur le même bâtiment.

Trois hommes de l'équipage sont morts à bord du Kearsarge des blessures reçues à bord de l'Alabama. Tous trois, croyons-nous, ont été amputés.

Onze blessés sont à l'hôpital: ils ont des fractures et des brûlures; ils seront sauvés. Un seul officier, que l'on sache, a péri; c'était le médecin, le Dr. Llewellyn; il a été englouti au moment où il finissait de panser un blessé qui a été sauvé. Un autre officier blessé, recueilli par l'embarcation de M. le Major Général Rone, est mort à bord de cette embarcation, où se trouvaient, dit-on, des dames.

Cinq officiers ont été sauvé par le pilote Mauger. Que lui et son équipage reçoivent ici l'expression de la reconnaissance qu'a méritée leur dévouement. Ces cinq officiers ont été débarqués dans l'après-midi; parmi eux se trouve M. Armstrong, à qui un éclat d'obus a causé une légère contusion au côté gauche. Le même pilote Mauger a également débarqué sept hommes recueillis par lui.

Le soir, cinquante-sept hommes de Alabama, qui étaient à bord du Kearsarge, ont été mis à terre. Est-ce par suite d'un ordre supérieur émanant de l'autorité française? Est-ce en conformité du droit des gens? Est-ce pour obtempérer aux instructions télégraphiques de M. Dayton? Est-ce nécessité de situation? Nous l'ignorons, de même qu'on ignore le chiffre des blessés du navire fédéral, on ignore également si parmi les habiles canonniers de ce navire ne se trouvent pas quelques déserteurs français embauchés à Brest, où le Kearsarge a fait long séjour.

Une dépêche télégraphique en date du 20 juin, deux heures de relevée, a annoncé à M. Bonfils, représentant à Cherbourg des Confédérés, que le capitaine et d'autres officiers (quel chiffre) avaient pris terre sains et saufs.

Nous garantissons les faits ci-dessus; quant à ce qui va suivre, le récit du combat et de la catastrophe, il s'y mêlera sans doute des inductions et des approximations. On doutait en ville du combat, et pourtant l'on savait qu'il y avait eu défi. On donnait même au cartel des détails et des motifs romanesques; il n'y a rien de vrai dans tout cela, rien que l'ancienne confraternité d'armes entre les deux capitaines. Les doutes ont dû cesser le dimanche dès 7 heures du matin ; à cette heure l'Alabama allumait ses feux. La Couronne lui envoya un officier pour informer le capitaine que cette frégate blindée l'escorterait jusqu'à la limite des eaux françaises, qu'elle n'appareillerait qu'après lui, et n'entendait point gener en rien ses mouvements. Le capitaine avait couché.

La veille M. R. Semmes, que plusieurs personnes avait exhorté, non sans quelque vivacité, à ne pas tenter le combat, s'était montré inflexible à cet égard, répondant qu'il voulait prouver aux plus susceptibles qu'il n'était pas un corsaire s'attaquant seulement aux bateaux de commerce ; qu'il était dans un port de guerre ; qu'il avait pris avis de différents officiers français, lesquels se mettant à sa place reconnaissaient qu'ils se saraient battus. C'est le point d'honneur militaire mis au-dessus du sentiment politique. Qui pourrait élever un blâme ?

La veille encore samedi, à 10 heures au soir, M. Semmes avait dit à M. Bonfils, "Je suis Catholique Romain, comme vous ; je ne pourrai, demain, assister au service divin ; promettez-moi d'assister à la messe et de la faire dire à mon intention."

La demande a été religeusement exaucée.

Tous ceux à qui ces détails sont inconnus ont pu s'assurer de l'inébranlable résolution
du capitaine quand ils ont vu, à 10 heures, l'Alabama sortir par la passe de
[389] l'ouest, *et à peine hors de rade changer sa direction pour aller au-devant du
Kearsarge, qui venait de l'est.

Le premier coup de canon a été tiré vers 11 heures; les navires fédéral et confédéré étaient à 8 milles marins de la digue. On croit savoir que des ordres venus de Paris de M. Dayton, représentant du gouvernement du Nord, enjoignaient à M. Winslow de n'accepter ni de présenter le combat qu'à une distance de terre d'au moins 6 milles, (environ 7 kilomètres 100 metres.) Quelles était les forces repectives des deux combattants ? Le Kearsarge est d'un plus fort échantillon de bois, sa machine était mise à l'abri par un blindage en chaines, en cordes, en bois de teak. L'Alabama portrait 8 canons, 6 en batterie, tous passés à tribord, 1 en chasse, sur l'avant, 1 en retraite. Les 6 canons de batterie étaient d'un calibre de 30 environ. Le canon de l'arrière était de 58, celui de chasse de 100. Le Kearsarge porte un canon de moins, 7 en tout ; il en a 4 de 30 environ en batterie, 1 sur le gaillard d'avant, et 2 canons de 150.

Dès le commencement du combat, les dux navires se sont toujours présenté le côté droit. Dans une série de passes giratoires, 5 ou 6 environ, pendant lesquelles l'Alabama cherchait toujours à aborder son adversaire, où la distance a varié de 800 à 200 mètres, et qui a duré environ 1 heure, des coups de canon ont été échangés, plus nombreux mais moins bien dirgiés de la part du Confédéré, pointés avec patience et sûreté du côté du Fédéral, à bord duquel sont des canonniers expérimentés. Néanmoins, dès le début, le Kearsarge a reçu un boulet par le travers qui, peut-être, saus son blindage, l'eût coulé bas ; il en a reçu plusieurs antres, qui ont endommagé ce blindage. Sa cheminée a été plusieurs fois atteinte, et un boulet dans l'étambot a frappé à 6 poucesdu gouvernail.

L'Alabama également au début a reçu un boulet dans sa machine, et dès lors les hommes travaillèrent et combattirent ayant de l'eau jusque plus haut que mi-jambe, quelques personnes disaient jusqu'à la ceinture.

Un deuxième boulet décidant l'immersion, brise l'hélice, défonce l'arrière du navire, qui s'enfonce le nez en l'air. Dès avant ce coup décisif, l'Alabama avait diminué son feu, lâché sa vapeur. Le Kearsarge continuait le sein à grande distance ; puis après quelques minutes le Confédéré hissait les voiles de l'avant et cherchait d'une manière très apparente à se rapprocher de terre. Le Fédéral tirait toujours.

Ici se place un épisode sur lequel un doute s'est élevé. Le capitaine Semmes a-t-il amené son pavillon ? Et par suite le Fédéral a-t-il interrompu son feu ? Tout le monde est d'accord sur ce point, qu'un instant le pavillon a disparu, mais on attribue généralement cette disparution au fait de la corne brisée. La plupart affirment que le pavillon a reparu hissé au grand mât. Nous aurions, en ce sens, eu tort d'écrire à la Patrie que M. Semmes avait amené son pavillon, de même que ces commentateurs auraient tort qui prétend qu il eyacht steamer anglais qui a embarqué le capitaine, un certain nombre d'officiers et d'hommes del'Alabama, sur l'invitation du Kearsarge, dont les embarcations étaient hors d'état, a en quelque sorète vol les prisonniers de celui-ci, lequel aurait eu, au dire des mêmes commentateurs, le droit de courir sus au steamer.

Tout d'ailleurs dans la conduite extérieure de M. Semmes dément l'assertion du pavillon amené ; un petit fait qui nous a été raconté lui enléverait aussi toute apparence de réalité. Un des marins débarqués à Cherbourg affirme avoir reçu l'ordre de son capitaine de lui enlever sa chaussure, de lui mettre une chemise de laine et une ceinture de sauvetage. N'est-ce pas une indication entre mille que M. Semmes était résolu à laisser son pavillon hissé plutôt qu'à le laisser hisser lui-même à bord du Kearsarge ?

Nous ne croyons avoir omis aucun des détails que nous avons pu nous procurer. Nous aurions deux tâches à remplir si elles ne nous paraissaient pas superflues. Le représentant des Confédérés à Cherbourg, M. Bonfils, voudrait qu'on remerciât les habitants de Cherbourg des témoignages sympathiques donnés à ses commettants qui, samedi dernier, lui avaient confié leurs papiers de famille, les souvenirs touchants qu'on adresse à ceux qu'on aime quand on se prépare à la mort en homme et en Chrétien. A quoi bon? A la sympathie spontanée, involontaire en quelque sorte, répond invinciblement la sympathie, et jamais l'ingratitude. Les habitants de Cherbourg sentent bien que les Confédérés, blessés ou sains et saufs, leur savent gré de ces marques d'affectueuse commisération.

Quant au pilote Mauger, qui a été assez heureux pour faire preuve non seulement de sympathie, mais de courageux dévovement, hous l'avons loué et remercié de la seule façon dont il faille louer et remercier des hommes de cœur, nous avons, avec simplicité, raconté le fait.

Avons-nous aussi le devoir de démentir certaines fables absurdes qui ont obtenu créance? Le dépôt de 6,000,000 francs! Voici le vrai fait; 118,000 francs, monnaie [390] *qui sont entre les mains d'un banqueur de la ville, 20,000 dollars en lingots débarqués à la douane.

Que si nous avons mis un peu de vivacité en faveur des Confédérés, ne nous excuseront-ils pas, ceux des partisans du Nord, qui savent le refus de charbon à l'amiral Bosse, et à notre ministre, M. Montholon, la défense d'embarquer deux chevaux de selle.

(Signé) BOURGOGNE.

[Inclosure 3 in No. 56.]

Telegram from Southampton of June 20, announcing arrival of Captain Semmes and crew of the Alabama.

Certificate of Pilot Mauger's conduct.

Nous soussignés, officiers et marins faisant partie de l'équipage du navire Confédéré Alabama, certifions que le pilote Mauger, se trouvant rapproché de l'endroit du combat qui a eu lieu entre nous et le navire fédéral Kearsarge le 19 juin 1864, entre 11 heures et midi. Après la submersion de notre navire, le dit pilote s'est empressé, aidé de son équipage, de nous recueillir à son bord du nombre de neuf. Par son dévouement si efficace il nous a sauvés d'une mort certaine. Nous n'avons qu'a nous louer de l'aide qu'il nous a porté dans cette malheureuse circonstance, et nous nous empressons de lui en temoigner notre profonde reconnaissance.

En foi de quoi nous lui avons délivré le présent certificat pour lui servir et valoir ce que de droit.

CHERBOURG, *le* 20 *juin* 1864.

(Signé)

WILLIAM P. BROOKS.
MORRIS BRITT.
J. WELSH.
J. MURPHY.
HENRY ALLCOT.
M. VORLIERS.
R. F. ARMSTRONG,
Second Lieutenant.
CHARLES GODWIN,
MICHAEL EGERTON,
Marins.

[Inclosure 4 in No. 56.]

Extract from the Vigil de Cherbourg of June 30, 1864.

Captain Winslow, United States Navy, to M. Bonfils.

UNITED STATES STEAMSHIP KEARSARGE, *le* 21 *juin* 1871.

MONSIEUR: Certains canots de pilots, auxquels j'avais permis, par humanité, de sauver plusieurs prisonniers lorsque l'Alabama eût sombré, les ont amenés à Cherbourg. Ces officiers et hommes d'équipage n'en sont pas moins soumis aux obligations que la loi de la guerre impose; ils sont mes prisonniers, et je demande qu'ils se rendent à bord du Kearsarge pour s'y constituer prisonniers. Dans le cas qu'ils chercheraient à se délier de cette obligation à la faveur des moyens qui ont été employés, dans des cas semblables qui pourraient se présenter ils ne doivent plus attendre aucune clémence.

(Signé) JNO. A. WINSLOW.

[Inclosure 5 in No. 56.]

M. Bonfils to Captain Winslow, United States Navy.

MONSIEUR: J'ai reçu votre lettre du 21 juin. L'objet de votre réclamation est un de ceux sur lesquels je n'exerce aucum contrôle, et je vous ferai remarquer que [391] votre demande aurait *dû être adressée au gouvernement français, chez lequel ces malheureux ont trouvé refuge.

Je ne connais aucune loi de la guerre qui empêche un soldat de s'échapper d'un champ de bataille après un révers, lors même qu'il aurait été déjà fait prisonnier, et je ne vois pas porquoi un marin n'en pourrait pas faire autant à la nage. Je dois refuser d'agir comme votre intermédiaire auprès de certaines personnes que vous ne nommez même pas, et qui néanmoins vous réclamez comme étant vos prisonniers.

Je ne puis non plus comprendre comment les autorités des États-Unis peuvent prétendre retenir des prisonniers dans les limites de l'empire français.

Je suis, &.,

(Signé) BONFILS.

GEORGIA.

DEPARTURE FROM ENGLAND AND RETURN TO LIVERPOOL.

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|399| *GEORGIA.

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 8, 1863. (Received April 8, 12.45 p. m.)

MY LORD: From information received at this legation, which appears entitled to credit, I am compelled to the painful conclusion that a steam-vessel has just departed from the Clyde with the intent to depredate on the commerce of the people of the United States. She passed there under the name of the Japan, but is since believed to have assumed the name of the Virginia. Her immediate destination is the island of Alderney, where it is supposed she may yet be at this moment. A small steamer called the Alar, belonging to Newhaven, and commanded by Henry P. Maples, has been loaded with a large supply of guns, shells, shot, powder, &c., intended for the equipment of the Virginia, and is either on the way or has arrived there. It is further alleged that a considerable number of British subjects have been enlisted at Liverpool, and sent to serve on board this cruiser.

GEORGIA.—Correspondence.

Departure from England

Note from Mr Adams stating that he is informed that the Japaa, or Virginia, has left the Clyde for Alderney. Request that steps may be taken to inquire into her proceedings, or to put a stop to them, if there is yet time.

Should it be yet in the power of Her Majesty's government to institute some inquiry into the nature of these proceedings, in season to establish their character, if innocent, or to put a stop to them, if criminal, I feel sure that it would be removing a heavy burden of anxiety from the minds of my countrymen in the United States.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 2.

Mr. Hammond to Mr. Adams.

[Private.]

FOREIGN OFFICE, *April* 8, 1863.

MY DEAR SIR: I found your immediate letter on my arrival at the office at 12.45, and as your mail goes, I believe, to-day, you may like to know at once that within half an hour of that time it was sent to the home office, within whose particular jurisdiction are the Channel Islands. A copy will also be sent to the treasury as soon as it can be made.

You shall have an official acknowledgment of your letter as soon as I can get Lord Russell's signature, but he is out of town.

Very faithfully, &c.,
(Signed) E. HAMMOND.

No. 3.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 8, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, acquainting me that you had reason to suppose that a steam-vessel, named the Japan or the Virginia, has just left the Clyde for Alderney, where she is expected to receive on board an armament brought to the island for her by a small steamer, the Alar, and a considerable number of British subjects, who have been enlisted to serve on board of her; and having done this, to proceed and depredate on the commerce of the United States.

[400] *I have to state to you, in reply, that copies of your letter were sent without loss of time to the home department and to the board of treasury, with a request that an immediate inquiry might be made into the circumstances stated in it; and that if the result should prove your suspicions to be well founded, the most effectual measures might be taken which the law admits of for defeating any such attempts to fit out a belligerent vessel from a British port.

Home office and taeasury requested to make immediate inquiry, and to take effectual measures to prevent the fitting out of a belligerent vessel from a British port.

I am, &c.,
(Signed) RUSSELL.

No. 4.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *April* 8, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, to be laid before Secretary Sir George Grey, a copy of a letter just received from Mr. Adams,[1] respecting a steam-vessel named either the Japan or Virginia, reported to have left the Clyde for the island of Alderney, where she is to receive on board an armament conveyed to the island by a small steamer, the Alar, belonging to Newhaven, and is thus to be employed in hostilities against the United States.

I am to request that you will move Sir George Grey to adopt, without delay, the measures most suitable for ascertaining the correctness of the report, and if it should prove to be well founded, to take the most effectual measures which the law admits of for defeating their attempt to fit out a belligerent vessel from a British port, and to bring to justice all persons connected with the vessel who may have rendered themselves amenable to the law.

I am, &c.,
(Signed) E. HAMMOND.

P. S.—A copy of this letter and of its inclosure will be immediately sent to the treasury for their co-operation as far as the case admits.

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[1] No 1.

No. 5.

Mr. Hammond to the secretary to the treasury.

[Pressing.]

FOREIGN OFFICE, *April* 8, 1863—1.35 p. m.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the treasury, a copy of a letter just received from Mr. Adams, together with a copy of a letter which his lordship has caused to be addressed to the home office,[1] relative to a steam-vessel which has left the Clyde with the supposed intention of being employed hostilely againt the United States; and I have to request that you will move their lordships to co-operate with the home office as far as the case admits, with a view to defeat this attempt to fit out a belligerent vessel in a British port.

I am, &c.,
(Signed) E. HAMMOND.

No. 6.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *April* 8, 1863. (Received April 8.)

SIR: I have laid before Secretary Sir George Grey your letter of this date, transmitting a copy of a letter from the United States minister at this court, respecting a steam-vessel reported to have left the Clyde for Alderney, where she is to receive on board an armament, and is to be eventually employed in hostilities against the United States; and I am to inclose herewith a copy of a letter which has been this day addressed to the lieutenant governor of Guernsey upon the subject.

I am, &c.,
(Signed) H. WADDINGTON.

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[401] [*Inclosure in No. 6.]

Mr. Waddington to Major General Slade.

WHITEHALL, *April* 8, 1863.

Instructions given to lieutenant governor of Guernsey

SIR: I am directed by Sir George Grey to transmit to you herewith, as received through the foreign office, a copy of a letter from the United States minister at this court, respecting a steam-vessel named either the Japan or the Virginia, reported to have left the Clyde for Alderney, where she is to receive on board an armament conveyed to that island by a small steamer, the Alar, helonging to Newhaven, and is to be eventually employed in hostilities against the United States; and I am to request that you will make immediate inquiry into the truth of the allegations contained in that communication.

I have to call your attention to the Statute 59, Geo. III, cap. 69. Section 7 appears to be applicable to this case, if the information which has been given to the minister of the United States of America should turn out to be correct. In that case the law-officers of the Crown should be instructed to take without delay the proper proceedings, authorized by the law of Alderney, to enforce the provisions of the act in question, and the officers of customs may be called upon to assist, if necessary.

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[1] Nos. 1 and 4.

Sir George Grey will be glad to be informed of the result of the inquiry, and of any steps that may be taken in consequence.

I have, &c.,
(Signed) H. WADDINGTON.

No. 7.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS, *April* 8, 1863. (Received April 8.)

Instructions given to customs officers.

SIR: With reference to your letter of this day's date, inclosing documents relating to a vessel which has left the Clyde, and is supposed to be about to be employed hostilely against the United States of America, I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that directions have been given to the commissioners of customs to instruct their officers at Alderney (whither this vessel is supposed to have proceeded) to co-operate with the lieutenant governor of Guernsey in taking such steps in the matter as he may be advised to do by his legal advisers.

I am, &c.,
(Signed) G. ARBUTHNOT.

No. 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, *April* 11, 1863. (Received April 11, 5 p. m.)

Statement in the Times respecting the Japan having left Greenock on a trading voyage to China, and proceedings of the Alar.

MY LORD: I have the honor to inclose to your lordship a slip extracted from the London Times of this day touching the case of the vessel now called the Japan, but named at Greenock lately the Virginia. It is needless to add that the statement therein made of the destination of the vessel is known to me to be false. I have reason to believe that she has not gone. The steamer Alar has already transferred to her one 56-pounder gun and four smaller ones, and is expected to return to her.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[402] [Inclosure in No. 8.]

Extract from the Times of April 11, 1863.

SERIOUS STEAM ACCIDENT AT SEA.

PLYMOUTH, *Saturday Morning*.

The steamship Alar, Captain Back, of and from Newhaven for St. Malo, put in here this morning and landed seventeen men belonging to the steamship Japan, Captain Jones, six hundred tons, which left Greenock on the 28th March for a trading voyage in the Chinese Seas. On arrival off the coast of France she lay to for three days, it is supposed, to take in more cargo. On the 4th April, at 11 a. m., one of the condensers of the steam-engines, which are about two hundred horse-power, exploded, and two firemen in the stoke-hole were scalded, viz, Alexander McDuff, of Edinburgh, and William Hamilton, of Downpatrick, seriously; they were taken immediately into the captain's cabin, transferred to the Alar on the 9th, and are now in the Devon and Cornwall hospital here. The other fifteen are seamen and firemen who took advantage of the proximity of the Alar, and are said to have "backed out" of the voyage to China. They left by train this morning for Liverpool, Portsmouth, &c. The Japan, which had a complement of eighty men, has proceeded. The Alar had to lay to in the channel on Thursday and Friday in consequence of some trifling damages.

No. 9.

Mr. Hammond to Mr. Waddington.[1]

[Pressing.]

FOREIGN OFFICE, *April* 11, 1363.

SIR: With reference to my letter of the 8th instant, I am directed by Earl Russell to request that you will call the immediate attention of Secretary Sir George Grey to a paragraph in the second edition of the Times of this morning, respecting the steam-vessels Japan and Alar.

Immediate attention of home office and treasury called to statement in the Times.

I am, &c.,
(Signed) E. HAMMOND.

No. 10.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 11, 1863.

SIR: The statement in the second edition of the Times, respecting the Japan and the Alar, to which you refer in your letter of this afternoon, had already attracted my attention, and I had brought it, some time before I received your letter, to the notice of the secretary of state for the home department and of the lords commissioners of Her Majesty's treasury. I have now forwarded to those departments a copy of your letter with a request that such steps may be taken as can legally be taken to prevent any violation of the law.

Mr. Adams informed that the attention of the home office and treasury had already been called to the statement in the Times. Steps to be taken to prevent a violation of the law.

I am, &c.,
(Signed) RUSSELL.

No 11.

[1]*Mr Hammond to Mr. Waddington.*

[Pressing.]

FOREIGN OFFICE, *April* 11, 1863.

SIR: With reference to my letter of this day's date, I am directed by Earl Russell to transmit to you herewith, to be laid [403] before Secretary Sir George Grey, a copy of a *letter from Mr. Adams,[2] calling attention to the statement

Home office and treasury requested to take steps accordingly.

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[1] A similar letter was addressed to the treasury.

[2] No. 8.

in the Times, to which I referred, respecting the Japan and the Alar, and stating that he has reason to believe that the Japan has not gone, and that the steamer Alar has already transferred to her one 56-pounder gun and four smaller ones, and is expected to return to her.

I am to request that you will call the immediate attention of Secretary Sir George Grey to the inclosed letter, and move him to take such steps in the matter as may legally be in his power to prevent any violation of the law.

I am, &c.,
(Signed) E. HAMMOND.

No. 12.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *April* 13, 1863. (Received April 14.)

SIR: With reference to your letter of the 8th instant, I am directed by Secretary Sir George Grey to transmit to you herewith, for the information of Earl Russell, a copy of a report from the commissioners of customs to the lords of the treasury, and copies of its inclosures, relative to the ship Japan or Virginia, which is supposed to be employed hostilely against the United States of America, and also to the Alar, supposed to have been concerned in the same enterprise.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 12.]

Mr. Gardner to Mr. Peel.

CUSTOM-HOUSE, *London, April* 11, 1863.

Reports from customs officers at Glasgow and Greenock.

SIR: With reference to the order of the lords commissioners of Her Majesty's treasury, dated the 8th instant, transmitting the accompanying letter from the foreign office, and its inclosures, I am directed to acquaint you, for the information of their lordships, that on receipt of that order the board issued directions to their officers, both at Alderney and Guernsey, to co-operate with and obey any directions they might receive from the lieutenant governor of the latter island, respecting the ship Japan or Virginia, or the ship Alar. The board also instructed the collector at Greenock and Glasgow to report all the particulars they might be enabled to ascertain respecting the vessel Japan or Virginia, which had left the river Clyde for the purpose, as supposed, of acting hostilely against the United States of America; and I am now to transmit the copies of reports from the collectors at Greenock and Glasgow in return to the board's inquiries. With respect to the Alar, I am to refer to my letter of the 7th instant, transmitting copy of a report from the collector at Newhaven, reporting the sailing of the vessel.

I am, &c.,
(Signed) J. G. GARDNER.

P. S.—Since writing the aforegoing, the attention of the board has been called to the second edition of the Times of this day, by which it appears the Alar has put into Plymouth, but that the Japan "has proceeded."

[Inclosure 2 in No. 12.]

Mr. Hodder to commissioner of customs.

CUSTOM-HOUSE, *Greenock, April* 10, 1863.

HONORABLE SIR: With reference to the board's commands, signified by Mr. Gardner's letter of yesterday's date, directing me to report to the board all the particulars

I may be enabled to ascertain respecting a vessel called the Japan or Virginia, [404] which it is alleged * has recently sailed from the Clyde, to be employed against ships of the United States, I beg to report an iron vessel named the Japan, Thomas Hitchcock, master, registered at Liverpool as 427 tons, official No. 45868, was built at Dumbarton, and measured by the measuring officer at Glasgow, came down the river, and proceeded to Gareloch Head to adjust her compasses, and afterward brought up at the Tail of the Bank, where she remained three or four days. This vessel was, on the 31st ultimo, entered outward by Colin S. Caird, for Point de Galle and Hong-Kong, with a crew of forty-eight men. On the 1st instant she shipped the under-mentioned bonded stores, which were sent from Liverpool, viz: 115 gallons of spirits, 32 gallons of wine, 244 lbs. of tea, 590 lbs. of coffee, 212 lbs. of tobacco, 10 lbs. cigars, 18 cwt. 3 qrs. 2 lbs. of sugar, 2 cwt. 2 qrs. 8 lbs. of molasses, 2 cwt. 1 qr. 5 lbs. of raisins, and 1 cwt. 1 qr. 8 lbs. of currants; and cleared the same day in ballast for Point de Galle and Hong-Kong.

Japan left the Clyde on a trial trip. Magazine said to have been fitted up after she sailed.

It appears she left the anchorage at the Tail of the Bank early on the morning of the 2d instant, with the ostensible purpose of trying her engines, intending to return, having on board several joiners who were fitting up her cabins; and I am informed that after she left this the joiners were employed in fitting up a magazine on board, and were subsequently landed on some part of the coast lower down the Clyde.

It is reported that she did not take her final departure until the 6th or 7th instant; but I cannot ascertain where she went after leaving this anchorage.

I have questioned the officer who performs tide surveyor's duty afloat, and who visited her on the evening of the 1st instant, to see that the stores were correct. He informs me he saw nothing on board which could lead him to suspect that she was intended for war purposes. I can testify that she was not heavily sparred; indeed she could not spread more canvas than an ordinary merchant-steamer. I beg to add, when the tide surveyor was on board, the joiners were fitting doors to the cabins.

I am, &c.,

(Signed) J. F. MOORE HODDER, *Collector*.

[Inclosure 3 in No. 12.]

Mr. Costello to Mr. Hodder.

CUSTOM-HOUSE, *Glasgow, April* 10, 1863.

SIR: In compliance with your reference, I beg to report that an iron screw-steamer, called the Japan, was recently built by Messrs. W. Denny Brothers, at Dumbarton.

Report of surveyor. Vessel appeared to be intended for commercial purposes.

I surveyed her on the 17th January last, and visited on two subsequent occasions for the purpose of completing my survey. She appeared to me to be intended for commercial purposes, her frame-work and plating being of the ordinary sizes for vessels of her class.

I annex a copy of my certificate of survey,[1] which shows the vessel's tonnage and description, and beg to add that the formula and certificate of survey for the Japan were forwarded to Liverpool on the 2d ultimo, with a view to her being registered as a British ship.

Respectfully submitted.

(Signed) M. COSTELLO, *Measuring Surveyor*.

CUSTOMS, *Glasgow, April* 10, 1863.

HONORABLE SIRS: As required by your honor's order of the 19th instant, I beg to report that the Japan did not clear from hence.

The foregoing report from the measuring surveyor here regarding that vessel is respectfully submitted.

(Signed) A ROSS,
For Collector.

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[1] See No. 29 for this certificate.

[405 *[Inclosure 4 in No. 12.]

Mr. Gardner to Mr. Hamilton.

At Liverpool.

CUSTOM-HOUSE, *London, April* 7, 1863.

SIR: I am desired to transmit, for the information of the lords commissioners of Her Majesty's treasury, and for any directions their lordships may see fit to give thereon, copy of a report of the collector of this revenue at Newhaven, relative to the clearance of the vessel Alar, having on board a number of sailors and munitions of war, ostensibly for Alderney and Saint Malo, but suspected by the collector to be intended for transfer to some other vessel belonging to one of the belligerents in America; and I am to state that the board having conferred with their solicitor on the subject, that officer is of opinion that there is no evidence to call for any interference on the part of the Crown.

I am to add that the name of the consignee, which is left blank in the copy of the report, is not stated, in the original.

I am, &c.,
(Signed) J. G. GARDNER.

[Inclosure 5 in No. 12.]

Mr. Dolan to the commissioners of customs.

CUSTOM-HOUSE, *Newhaven, April* 6, 1863.

HONORABLE SIRS: The steamship Alar, of London, 85 tons, owned by H. P. Maples, sailed on Sunday morning, 5th instant, at 2 a. m., bound, according to the ship's papers, viz, the accompanying content, for Alderney and Saint Malo. On Saturday, at midnight, thirty men, twenty of whom appeared to be British sailors, ten mechanics, arrived by train. Three gentlemen accompanied them, Mr. Lewis, of Alderney, Mr. Ward, and Mr. Jones. The men appeared to be ignorant of their precise destination; some said they were to get £20 each for the trip. A man, rather lame, superintended them. Shortly after midnight a man arrived from Brighton on horseback, with a telegram, which, for purposes of secrecy, had been sent there and not to Newhaven, it is suspected. Mr. Stainforth, the agent, replied to my inquiries this morning that the Alar had munitions of war on board, and that they were consigned by ——— ——— to a Mr. Lewis, of Alderney. His answers were brief and with reserve, leaving no doubt on my mind nor on the minds of any here that the thirty men and munitions of war are destined for transfer at sea to some second Alabama. The private telegram to Brighton intimated, very probably, having been reserved for the last hour, where that vessel would be found. Whether the shipment of the men, who all appeared to be British subjects, can, if it should be hereafter proved that they have been transferred to a Federal or confederate vessel, be held as an infringement of the foreign enlistment act, and whether the clearance of the Alar, if hereafter proved to be untrue, can render the master amenable under the customs consolidation act, is for your consideration respectfully submitted.

(Signed) R. J. DOLAN, *Collector.*

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[406] *No. 7. *Contents.*

Port of New Haven. Pilot

Ship's name and destination.	Tonnage and number of guns.		If British, port of registry; if foreign, the country.	No. of crew.	Name of master.	No. of passengers or troops.
	Tons.	Guns.				
Alar, Alderney and Saint Malo.	85	....	British ship, London ...	16	Joseph Black..	....

Warehoused and transhipment goods.				Drawback and restricted goods.			
Marks.	Numbers.	Number and description of packages.	Remarks.	Marks.	Numbers.	Number and description of packages.	Remarks.

British goods and foreign goods free of duty, and foreign goods not for drawback: sundry free goods.

G. W. Stainforth, *Broker*. Examined.
Cleared / Dated } April 4.
(Signed) W. S. Flint, *Examining Officer*.

I do declare that the above content is a true account of all goods shipped or intended to be shipped on board the above-named ship, and correct in all other particulars, and that all the requirements of the act 17 and 18 Vict., cap. 104, have been duly complied with.

(Signed) JOS. BACK, *Master*.

Signed and declared, this 4th day of April, before me.
(Signed) W. K. STAVELEY, *Collector*.

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[407]

*No. 13.

Clearance of the Japan.

VICTUALING BILL.

Pilot———. Granted Number 84.

PORT OF GREENOCK.

Bonded and drawback stores in the Japan, Hedgcock, master, for Hong-Kong; passengers or troops, 48 men, no guns, 427 tons.

	Net quantities taken on board.
Spirits, foreign—	
Rum	$1\frac{29}{32}$ gallons.
Brandy	$8\frac{14}{32}$ gallons.
Geneva	$1\frac{19}{32}$ gallons.
Other spirits not sweetened	$90\frac{1}{10}$ gallons.
Spirits, British, or Plantation—	
Rum	
Gin	
Whisky	
Other spirits, not sweetened, (rectified)	$7\frac{8}{32}$ gallons.
Wine	6 gallons.
Wine, (for drawback)	32 gallons.
Beer, (for drawback)	
Vinegar	
Tea	244 lbs.
Coffee	590 lbs.
Coffee, roasted, (for drawback)	
Cocoa	
Cocoa paste	

	Net quantities taken on board.
Sugar, refined	2 cwt. 1 qr. 22 lbs.
Sugar, refined, (for drawback)	
Sugar, unrefined	16 cwt. 1 qr. 8 lbs.
Molasses	2 cwt. 2 qrs. 8 lbs.
Tobacco, (for drawback)	
Tobacco, negrohead	212 lbs.
Tobacco, roll	
Segars	10 lbs.
Pepper	
Raisins	2 cwt. 1 qr. 5 lbs.
Currants	1 cwt. 1 qr. 8 lbs.
Figs	
Prunes	
Plums	
Sundries	
Surplus stores	

(Signed) J. RITCHIE, *Searcher.*
THOMAS KING, *Collector and Broker.*

Cleared April 1, 1863.

No. 14.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *April* 13, 1863. (Received April 13.)

Police authorities at Plymouth instructed to inquire into proceedings of the Alar.

SIR: I have laid before Secretary Sir George Grey your letters of the 11th instant, the second inclosing a copy of a letter from Mr. Adams, relative to the proceedings of the vessels called the Japan and the Alar; and I am to acquaint you, for the information of Earl Russell, that the mayor of Plymouth has been requested to instruct the police authorities to inquire into the circumstances attending the proceedings of the Alar, and whether any evidence can be obtained from any of the crew of the Alar, or of the late crew of the Japan, who may now be at Plymouth, in confirmation of the statements which have appeared in the newspapers relative to these two ships.

I am, &c.,
(Signed) H. WADDINGTON.

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[408]

*No. 15.

Mr. Peel to Mr. Hammond.

TREASURY CHAMBERS, *April* 13, 1863. (Received April 13.)

Report from customs respecting the Alar.

SIR: With reference to previous correspondence on this subject I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed report from the commissioners of customs, with the accompanying papers, relating to the steps taken by Mr. Grenville Berkeley in reference to the ship Alar, which is reported to have been in communication with the Japan, or Virginia, which latter vessel left the Clyde lately, and is suspected to be about to be employed hostilely against the United States of America.

I am, &c.,
(Signed) F. PEEL.

[Inclosure 1 in No. 15.]

Mr. Gardner to Mr. Peel.

CUSTOM-HOUSE, *April* 13, 1863.

SIR: With reference to my letter of the 11th instant, respecting the vessel Japan, or Virginia, and the vessel Alar, the former of which is supposed to have left this country for the purpose of acting hostilely against the United States of America, and the latter to have conveyed an armament from Newhaven, to be put on board the Japan, I am directed by the board to transmit, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copy of a report from Mr. Grenville Berkeley, one of the members of the board, detailing his proceedings, in consequence of a communication from the treasury, in regard to the Alar, with copy of a letter received this morning from the collector at Plymouth, annexing a statement of the master of that vessel, which statement had been taken by him in consequence of the directions received from Mr. Berkeley.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 15.]

Mr. Browne to the commissioners of customs.

CUSTOM-HOUSE, *Plymouth, April* 11, 1863.

HONORABLE SIRS: I beg to submit, for your honor's information, the inclosed statement of the master of the steamer Alar, of London, to which he has affixed his signature. He states that his vessel is a regular trader between Newhaven and the Channel Islands.

Respectfully, &c.,
(Signed) N. E. BROWNE.

[Inclosure 3 in No. 15.]

Statement of Mr. Back, master of the screw-steamer Alar.

I cleared from Newhaven on the 4th April for Alderney and St. Malo, in ballast, and sailed from thence on Sunday, the 5th, having on board about thirty passengers, of whom about six were in the cabin, and a quantity of packages, which I supposed contained provisions and passengers' baggage. Before leaving, a principal party was pointed out to me by the owner of my ship,[1] and I was informed by him that the provisions belonged to this party, and that I was to obey his instructions.

On Sunday, about 3 p. m., my engine broke down,[2] owing to the bursting of the feed-pipe, and I was compelled to rake out fires, and blow off steam; the engineer repaired [409] *damage, and after about seven or eight hours' delay, I proceeded on my voyage. Broke down again on Monday morning, from some cause, and proceeded, after repairs and similar delay. Laying to on Tuesday afternoon and night, weather very thick, and blowing from westward.

On Wednesday, about 11 a. m., saw a steamship a long way off to the westward, with signal flying, but I know not what colors. The passenger before mentioned asked me to bear down to the ship, which I did; but before reaching her, my engine broke down again, when the steamer[3] came up to me, and took my vessel in tow. The steamer towed me toward the coast of France, in order that I might get shelter to effect repairs. She towed me for about an hour, then the rope parted; and in coming back to fetch me again, the tow-rope got foul of the large steamer's propeller, and caused her to fall down upon us, damaging our stanchions, and carrying away our bowsprit.

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[1] Owner, H. P. Maples, 4 Arthur Street, London, E. C.

[2] Off Isle of Wight.

[3] About 600 tons.

The passenger before mentioned then asked me to transfer the provisions and baggage to the large steamer, which was done, by about twenty of the passengers, who also went on board the steamer, where they remained. I was then asked by a person in authority on board the large steamer, if I would take two men who had been badly scalded to any port where there was a hospital, which I consented to do, and they, with about nine or ten others, and the person who had spoken to me about the sick men, came on board my vessel; and I at once proceeded for the first English port I could make that had a hospital.

I parted with the large steamer on Thursday afternoon. On the afternoon of Friday we again broke down, and were delayed about the same time as before. About 2 a. m. on Saturday, the 11th, we sighted the Eddystone, and bore up for Plymouth, which we reached about 4.30 a. m., when we landed the person we had taken with us from Newhaven—the person who spoke to us on board the steamer—about one dozen men, including the men from the steamer, and the two sick men for the hospital. I heard the large steamer was called the Japan, but I did not see her name on her stern, as I had enough to do to attend to my own ship.

(Signed) J. F. BACK, *Master of the Alar.*

CUSTOM-HOUSE, *Plymouth, April* 11, 1863.

(Signed) N. E. BROWNE, *Collector.*

[Inclosure 4 in No. 15.]

Report of Mr. Grenville Berkeley, dated April 12, 1863.

On Saturday evening, the 11th of April, Mr. Welby, private secretary to Mr. Peel, called on me at half-past 7 o'clock, and stated that, from a communication received from the foreign office, it was deemed necessary to obtain information respecting the Alar, which had arrived at Plymouth after having been in communication with the Japan in the Channel, and that he was directed by Mr. Peel to desire me to telegraph to Plymouth on the subject.

In accordance with this order, I sent off a telegraphic message to Mr. Browne, collector at Plymouth, a copy of which I inclose, marked (A,) and received his reply at 11.40 p. m., which likewise I inclose, marked (B.) This morning, Sunday, I called on Mr. Peel at his residence with the intelligence I had received, and we then proceeded together to Mr. Hammond, the under-secretary of state for foreign affairs.

Mr. Hammond stated that the information received by Mr. Adams, the American minister, was to the effect that the Japan, after putting to sea, was to meet the Alar, who would transfer warlike stores to that vessel, and that this report was fully borne out as far as the meeting of the two vessels was concerned; that such being the case, it would be desirable to ascertain from some of the crew who had left the Japan in the Alar why they left the Japan; whether transshipment was made of any articles from the Alar to the Japan, and if so, what those articles were; whether such transshipment took place in British waters, and the date of the occurrence. After some conversation on the subject, it was decided that I should send messages to Plymouth and Liverpool to endeavor to obtain the information required. I told Mr. Peel that I would instantly telegraph to the above-named ports on the understanding that a letter from the treasury should be sent to-morrow, Monday, to the board of customs, approving of my proceedings.

[410] *The telegraph offices in the West End being closed on Sundays, I went to the Strand, and found that no message could be forwarded to Plymouth till 5 p. m., but the one to Liverpool was dispatched forthwith. I beg to inclose copies of each, marked C and D.

At a little after 5 p. m. I received a message from Mr. Edwards from Liverpool, which I inclose, marked E.

Yours, &c.,

(Signed) GRENVILLE C. L. BERKELEY

The Hon. COMMISSIONER *of Her Majesty's Customs.*

Papers referred to in Mr. Berkeley's preceding report.

A.

Mr. Berkeley to Mr Browne, collector of customs, Plymouth.

[Telegraphic.]

APRIL 11, 1863—7.40 p. m.

Make inquiries about steamer Alar, supposed to be carrying guns, &c., for the Japan, late Virginia, said to be in the Channel, and supposed to be destined for Confederate States.

Telegraph information, if obtained, to me, 7 Wilton Crescent.

Write to custom-house, London.

B.

Mr. Browne to Mr. Berkeley.

[Telegraphic.]

APRIL 11, 1863.

The Alar arrived this morning; I have taken the master's statement and forwarded it to the board. She took provisions and twenty men at Newhaven, shipped them on board a vessel which the master was told was the Japan; he brought from that vessel eleven men, two scalded, which were taken to the hospital here.

C.

Mr. Berkeley to Mr. Browne.

[Telegraphic.]

APRIL 12, 1863.

[This message was written at 11.40 a. m., but could not be forwarded till 5 p. m., as the office at Plymouth is closed on Sundays till that hour.]

See the scalded men, or other seamen from the Alar. Ascertain whether transshipment of any articles, and of what description, was made from the Alar to the Japan. Where such transshipment took place. Whether or not in British waters. What day it took place. Write to custom-house, London, or, if necessary, telegraph to me in Wilton Crescent.

D.

Mr. Berkeley to Mr. Edwards, collector of customs, Liverpool.

[Telegraphic.]

APRIL 12, 1863—11.45 a. m.

It is reported that seamen, conveyed in the Alar from the Japan, late Virginia, have gone from Plymouth to Liverpool. Try and see some of them, and ascertain why they left the Japan. Whether transshipment of any articles, and of what description, was made from Alar to the Japan. Where such transshipment took place. Whether or not in British waters. What day it took place. Write to custom-house, London, or, if necessary, telegraph to me, 7 Wilton Crescent.

[411] *[E.]

Mr. Edwards to Mr. Berkeley.

[Telegraphic.]

APRIL 12, 1863.

It will be impossible to find any of the parties to-day—if in Liverpool—but we may succeed to-morrow.

No. 16.

Mr. Farrer to Mr. Hammond.

BOARD OF TRADE, *April* 15, 1863. (Received April 15.)

Information received by board of trade.

MY DEAR MR. HAMMOND: I have just received the inclosed, and send it to you at once, though I don't suppose there is anything to be done, but it is for the foreign office, of course, to say what is to be done.

Yours truly,
(Signed) T. N. FARRER.

[Inclosure 1 in No. 16.]

Mr. Mott to the secretary of the marine department, Board of Trade.

MERCANTILE MARINE OFFICES, SAILORS' HOME,
Liverpool, April 14, 1863.

SIR: I beg to report that the master of the Japan, of Liverpool, (45868,) has arranged to discharge at this office, at 11 o'clock to-morrow, the seamen referred to in the annexed extract from the "Shipping Gazette," as having left the vessel on the coast of France.

As the Japan is suspected of being intended for service under the Confederate States of America, I deem it right to report the above notice for discharge, in order that my lords may be in a position to instruct me by telegram to-morrow, should it be necessary to make any inquiries from the master or seamen.

I am, &c.,
(Signed) A. C. MOTT, *Superintendent.*

[Inclosure 2 in No. 16.]

Extract from the Shipping Gazette.

THE RUNNING OF THE BLOCKADE.—INTERFERENCE OF FEDERAL AGENTS AND ITS FATAL EFFECTS.—The Plymouth correspondent of the London Shipping Gazette writes under Saturday's date: "The Alar (s,) of and from Newhaven for Saint Malo, put in here this morning, and landed seventeen men belonging to the Japan, (now the Virginia,) Captain Jones, 600 tons, which left Greenock on March 28 for a trading voyage in the China Seas. On arrival off the coast of France she lay to for three days, it is supposed to take in more cargo. On April 4, at 11 a. m., one of the condensers of the steam-engines, which are about 200 horse-power, exploded, and two firemen in the stoke-hole were scalded, viz, Alexander McDuff, of Edinburgh, and William Hamilton, of Downpatrick, seriously; they were taken immediately into the captain's cabin, transferred to the Alar on the 9th, and are now in the Devon and Cornwall hospital here. The other fifteen are seamen and firemen, who took advantage of the proximity of the Alar, and are said to have backed out of the voyage to China. They left by train this morning for Liverpool, Portsmouth, &c. The Japan, which had a complement of eighty men, has proceeded. The Alar had to lay to in the channel on Thursday and Friday in consequence of some trifling damages."

[412] *No. 17.

Mr. Hammond to the secretary to the treasury.[1]

FOREIGN OFFICE, *April* 15, 1863.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, a copy of a communication which has just been received from the Board of Trade, relative to the case of the Japan.[2]

I am, &c.,
(Signed) E. HAMMOND.

No. 18.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 15, 1863. (Received April 16—4.45 p. m.)

Affidavits of Thompson and Mahon. Alleged enlistment at Liverpool.

MY LORD: I have the honor to transmit copies of two depositions of British subjects who appear to have been solicited to engage in the unlawful expedition of the Japan, *alias* the Virginia, against the commerce of the United States. I append a list of the officers and men, subjects of Great Britain, shipped at the Sailors' Home in Liverpool, a large part of whom have been induced to join the piratical expedition. Likewise a list of the men who refused to enlist, left the Virginia, and returned to Liverpool.

It is not without great pain that I feel it my duty to point out to your lordship these transactions at Liverpool, and the extent to which, if not in some way prevented, they are calculated to give rise to complaints in the United States of the violations of neutrality, deliberately committed by Her Majesty's subjects in the port of Liverpool.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 18.]

Deposition of Edward Thompson.

Edward Thompson, of No. 18, Denison street, in Liverpool, makes oath and says: I am an able seaman, and served for five years in a man-of-war, on Her Majesty's ship Neptune and others. I was shipped from Liverpool to Greenock to join the steamer Japan, as I was told, bound on a voyage to Singapore. She was advertised in Sailors' Home as bound for this port. I belong to the royal naval reserve. We sailed from Greenock on the 2d day of April instant. Captain Hitchcock was in command. We sailed first down towards the Isle of Man. We then tacked, and went north through the North Channel and down the west coast of Ireland, passed Cape Clear, and steered east up the Channel. Ushant light was the first light we sighted; went towards Saint Malo. We then put her to the westward, and dodged at slow steam all night. We fell in with the Alar steamer just off Morleaux; we were not more than three or four miles from land at the time. When the Alar saw us she hoisted a flag for a pilot; after she got her pilot on she hoisted a flag of distress. We had taken her in tow before the pilot reached us. We floated about until night, then got the Alar alongside, and com-

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[1] A similar letter was addressed to the home office.

[2] No. 16.

Armament taken on board off Morleux.

Equipment off the coast of France.

menced to discharge the cargo into the Japan. We were three nights engaged in discharging the cargo; we did nothing in the day-time. She brought to us guns, shell, rockets, ammunition, rifles, cutlasses, and all sorts of implements of war. I counted nine Whitworth guns to be mounted on the decks. I may be mistaken about the maker's name. I only know they were breech-loading guns. I understood there was one large pivot-gun on board when we left Greenock. I left the vessel on Friday last in the steamer Alar. After we got all the cargo discharged from the Alar into the Japan, at 4 o'clock on Friday afternoon, while we were off Brest about two miles from land, the new captain who came to us in the Alar, having dressed himself in regimentals, in a blue uniform with a star in the epaulettes, had all hands piped aft by the boatswain. He then directed the lieutenant to read the articles, and then said, "We are not bound for Singapore, we are going to [413] sail under the confederate flag, the same *as the Alabama, to sink, burn, and destroy vessels belonging to the United States. All of you who wish to join, I will give £10 in cash as soon as you sign the articles, and you who do not wish to join can go back in the Alar. Those who join shall also have £1 per month extra." The captain told us her name was to be the Virginia, and this was the name mentioned in the articles which we were required to sign. They had the confederate flag on board at the time laid down on the floor of the cabin, but it was not hoisted. The articles were for three years, or during the war with the United States. During the night, while we were discharging the cargo from one vessel to the other, we were at anchor very close in to the land—not more than half a mile from the land—opposite a magazine which lies a quarter of a mile from Ushant light. We went to this place, or very near there, every night. After reading the articles, the men who refused to sign asked about their wages. They were told that Captain Hitchcock would settle this after we arrived at Liverpool. I saw Mr. Hitchcock yesterday at Jones & Co.'s office, No. 28 Chapel street, Liverpool. This house of Jones & Co. acted as agents for shipping the men. One of their clerks was at the steamer which took us around from Liverpool to Greenock. They signed all the shipping notes; at least, they were all made payable there at Jones & Co.'s offices, and they have paid them since. They paid me my shipping note yesterday at their office in Liverpool. There were ten sailors lately belonging to the British navy from Portsmouth, who came out in the Alar, but refused to join the vessel. They received £2 apiece from Captain Hitchcock not to say anything about the matter. This was paid them while we were returning to Plymouth. Mr. Jones, one of the firm in Chapel-street, Liverpool, who came out to us in the Alar, was present at the time when the money was paid, and ordered Captain Hitchcock to pay it to the men. Mr. Jones seemed to [take] charge of everything. The report was that she, the Virginia, was to go to Madeira. She had not more than five days' coal when we left her. She is an iron vessel, very slightly built, with a full poop as far as the after scuttle-hole to fire-room and top-gallant forecastle. Three masts, square rigged forward; fore and aft, main and mizzen. She has one funnel between the fore and main mast; a house over engine-room, with a donkey engine in it. The Alar is a British steamer, hailing from London. When she came out to meet the Japan, or Virginia, as she is called, she sailed from Newhaven.

(Signed) EDWARD THOMPSON.

Sworn before me, at Liverpool, this 14th day of April, 1863.

(Signed) J. PEARSON,
A commissioner to administer oaths in chancery in England.

[Inclosure 2 in No. 18.]

Deposition of Thomas Mahon.

Thomas Mahon, residing at No. 8 Court, Gore street, Toxteth Park, Liverpool, being sworn, says: I am a native of Liverpool, and am a laborer. On or about the 27th day of March last past, hearing that a steamer was wanting men for Singapore, I went to the Sailors' Home in Liverpool, and was introduced to a man as the captain. I don't remember his name at present; I believe it is Hitchcock. He is in Liverpool now. He told me he was captain of the Japan. He said he wanted firemen and trimmers, and the next day, the 27th, I went with him to the shipping office, and there signed articles for steamer Japan for Singapore, or any intermediate port, for two years. Captain Hitchcock engaged me, and witnessed my signing. I was to have £3 10*s.* per month. About fifty men in all signed in the same way. When we had signed, we were told to take our clothes to "Jones & Co.'s," No. 28 Chapel street, and would then receive an advance note for a month's pay. I took my clothes there, and received a note for £3 10*s.*, payable ten days after the ship sailed from Greenock. At Jones & Co.'s we were told by the captain, Hitchcock, to meet at the Glasgow boat at 5 o'clock on Monday afternoon at the dock. We went as ordered, and our clothes were brought down, and our fares were paid by a clerk from Jones & Co. We sailed the same evening in the Heron, about fifty in all. We arrived at Greenock about 3 or 4 the next afternoon, and a tug came alongside and took us off the Heron and put us on board the screw-steamer Japan, lying in the river opposite Greenock. Captain Hitchcock came off in the tug and took us on board. He went on board with us. He gave us our orders. I had shipped as coal-trimmer, and believed she was English steamer and going to Singa*pore. She had then the English ensign flying. Captain Hitchcock remained on board and exercised command. We remained at Greenock till Wednesday. On Thursday, about 6 in the morning, we got under way, and the pilot said we were going on a trial trip. On the Wednesday night the revenue officers came on board, after the stores came on board, and put seals on the stores. The stores came off in a steamer and a lighter. They consisted of large quantities of spirits, clothing, blankets, beds, knives and forks, tins, and the like. I did not see any other government officers visit the ship. We sailed out, I believe, on the Thursday morning, as we supposed, on the trial trip, and steered toward sea. In the afternoon we returned to the light-house down the Clyde, and stopped, but did not anchor. A tug came to us there with some more men and provisions from Greenock, and as soon as we had taken them on board we started down again and steered right to sea. The pilot left us next morning off Castletown, Isle of Man. Captain Hitchcock had command of the vessel. About two days after we made land, as I was told, on the coast of France, and we kept beating about there for several days. We wondered why, but did not ascertain the reason.

Crew sent from Liverpool to Greenock.

[414]

On Monday, the 6th, an English screw-steamer, the Alar, of London, came to us and spoke us. We were so near the coast of France that a shot could be fired ashore. Captain Hitchcock told the Alar to go under the island. The Alar soon after made a signal as if she was broke down, and the Japan took her in tow. We towed her a while and the hawser broke. She then steamed away herself, and we soon after spoke a French pilot-boat, and we took a pilot on board, as did also the Alar. The Alar sailed away into a small bay, and we followed, and came to an anchor near the shore, no farther off than I could have thrown a stone. The Alar then made fast alongside, and that night a very large case of guns and a quantity of ammunition in small cases were taken on board the Japan from the Alar. The next morning both vessels sailed out and we went out to sea, and the Alar into another bay. In the afternoon we joined the Alar in the other bay, and took on board the rest of her cargo, consisting of guns and ammunition. Men in the mean time were engaged making the fittings for the guns. The same afternoon a tall man they called Lamont or Dupont came on board from the Alar and took charge of the Japan. He came on deck in uniform and called all the men aft. He told us she was no more to be called the Japan, but the Virginia, confederate war-steamer. He produced articles, and reading them to the effect that there would be discipline same as the Alabama or any other under the confederate flag, he said he was going to burn and destroy all North American vessels, and told us we should have £10 bounty to sign for three years under the confederate flag. One of the men asked about prize-money, and he said we should have the same as the Alabama. That any man who had a family could have half-pay. Eight of us went into the cabin to see what he would do with us if we would not ship. He said Mr. Jones would pay our fare through to Liverpool and anything else that we required when we came ashore. Mr. Jones was sitting at the table where they were paying the bounty and signing the articles, and said it would be all right. We and a number of others, in all about twenty-four, refused to join, and the same night we were taken to the Alar and both vessels left the bay. The next morning the Alar took the pilot from the Japan and landed him and her own about where we had picked them. I was below when she took the pilot off, and did not see the Japan after leaving her in the bay. I heard the order given to hoist the confederate flag. Captain Hitchcock, Mr. Jones, and the chief and second mates came from her with us. We were landed at Plymouth on Saturday morning, and received from Captain Hitchcock a sovereign each to pay our way to Liverpool, and the same day came into Liverpool in the steamer.

(Signed) THOMAS MAHON.

Sworn the 14th day of April, 1863, before me,
(Signed) WM. RATHBONE,
A magistrate for the county of Lancaster.

[415] [*Inclosure 3 in No. 18.]

List of officers and crew of the ship Japan, shipped at the Sailors' Home in Liverpool, and understood to be subjects of Great Britain.

Thomas Hedjik, master.
Griffith Jones, mate, 7 Virginia street.
Alnear F. Mackintosh, second mate, 5 Fleet square, Fleet street.
Robert Neal, carpenter, 28 Regent street.
Charles King, boatswain, 22 Rupert street.
J. S. Woolfall, captain's steward, 119 Albert street, Everton.
Thomas Price, cook, 117 Bedford street.
John Thompson, cook, 113 Pitt street.
William Jones, seaman, 16 Gerard street.
Thos. Williams, (1,) seaman, 22 Edmond street.
Thos. Williams, (2,) seaman, 31 Prussia street.
John White, seaman, 71 Jordan street.
Wm. Williams, seaman, 40 Highfield street.
Frank River, seaman, 53 Upper Hill street.
James Rodway, seaman, 113 Pitt street.
Wm. Jackson, seaman, 1 George street.
Joseph Seymour, seaman, 53 Bedford street.
Wm. Dand, boatswain's mate on board Great Eastern.
Frank Mills, seaman, 27 Union street.
Thos. Jones, orderly, Beaumaun's Tavern, Fazakerly street.
Henry Barron, orderly, 12 Highfield road, Old Swan.
Edward Davis, orderly, 12 Lightbody street.
John Murray, orderly, 33 Gordon street.
Hugh Hughes, orderly, Beaumaun's Tavern, Union street.
Geo. Owen Crow, boy, 73 Kew street.
Richard Callaghan, boy, 28 Regent street.
Charles Penrose, boy, 6 Woodstock street.
Thomas Claydon, boy, 4 Bell street, T. P.
Robert Ford, boy, Sailor's Home,
Joseph Fisher, boy, 19 John street, T. P.
John Fitzgerald, 39 Hornby street.
Benjn. Conolly, boy, 17 Temple Bed, Dale street.
Saml. Alfred Seaton, store-keeper, 48 Westbourne street.
W. Hamilton, landsman, 45 Hamilton street.
Thos. James, landsman, 15 Earl street.
John Williams, landsman, 21 Richmond row, or street.
Joseph Hopkins, landsman, 55 Atherton street.
John Flynn, landsman, 18 Milton street.
John Dolan, landsman, 4 Ct. Blondel.
Hy. Tanner, fireman, 5 Prince's Walk, Great Howard street.
Phil. Thomas, fireman, 32 Kay street.
Michael Downey, fireman, 29 Great Howard street.
Alex. Macduff, fireman, 29 Thomas street.
John Hughes, fireman, 29 Thomas street.
James Hendry, fireman, 15 Earl street.
John McCarthy, fireman, 5 Prince's Walk, Great Howard street.
Michael Connor, fireman, 5 Prince's Walk, Great Howard street.
Richard Groves, fireman, 19 Berner's Gardens.
Wm. Myers, trimmer, 3 Ct. Spitalfields.
Thomas Mahon, trimmer, 8 Ct. Gore street.
James Gordon, trimmer, 44 Tatlock street.
Edward Thompson, trimmer, 18 Denison street,
Samuel Haywood, trimmer, 18 Denison street.
John Miles, trimmer, 29 Thomas street.
John Stanley, cooper, 26 Ct. Oriel street.

Went by the Heron, Glasgow boat, at 7.30 p. m., March 30, 1863.

[Inclosure 4 in No. 18.]

List of men, understood to be subjects of Great Britain, who left the Virginia steamer, late Japan steamer, and came to Liverpool in the steamship East Anglican, from Plymouth.

John White.
Joseph Hopkins.
William Swift.
Henry James.
William Myers.
John Myers.
Thomas Mahon.
John Hughes.
Rich. Cudshan.
Charles Spencer.
James Woolfall.
Edward Thompson.
John Parin.
George Crow.
Richard Groves.
Mr. Seaton, Purser.
Mr. Jones, Master Mariner.
Mr. McIntosh.

No. 19.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 16, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, inclosing copies of two depositions of British subjects who were engaged for service on board the Japan, otherwise Virginia, as well as other papers connected with that vessel; and I have to state to you that copies of your letter and its inclosures have been communicated to the proper departments of Her Majesty's government.

Mr. Adams's representations referred to the proper departments.

I am, &c.,
(Signed) RUSSELL.

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[416]

*No. 20.

Mr. Hammond to the secretary to the treasury.[1]

FOREIGN OFFICE, *April* 16, 1863.

SIR: With reference to my letters of the 8th, 11th, and 15th instant, respecting the vessels Japan and Alar, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, a copy of a note from the United States minister at this court, inclosing copies of two depositions of British subjects who were engaged for service on board the steamer Japan, otherwise Virginia, as well as other papers connected with that vessel,[2] and I am to request that you will move their lordships to take such steps with reference to the statements in these papers as may properly and legally be taken.

I am, &c.,
(Signed) E. HAMMOND.

No. 21.

Consul Sir A. Perrier to Earl Russell.

BREST, *April* 13, 1863. (Received April 16.)

MY LORD: I have the honor to report to your lordship that I have received the following letter from Conquet:

Proceedings off the French coast.

> CONQUET, *April* 10, 1863.
>
> SIR: I have the honor to inform you that on the 7th of this month two English vessels, a brig and a steam-schooner, were seen in the Fromreur, (a passage between Ushant and the mainland,) with a signal for a pilot. Piton and Marec, pilots of Moléne, went on board. The names given to them were, Japan, of Liverpool, for the brig, and Alar, of London, for the schooner, which was bound from Emzic to Liverpool with a general cargo. This vessel having sprung a leak, had requested the brig to stay by until all danger was over. After beating about all day, they anchored in Bertheaume Bay at about 6 in the evening, where they tried to transship part of the cargo from the schooner to the brig, but a heavy surf prevented their doing so. The pilots offered to bring the vessels into Brest, which was refused. Next morning, the 8th, they got under way at about 6 in the morning, went through Conquet Channel, and anchored

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[1] A similar letter was addressed to the home office.

[2] No. 18.

in Stiff Bay, under Ushant, where the transshipment was effected that evening. They then sailed for Liverpool.

I called upon the vice-admiral, commander-in-chief, to know if he had received any account of this affair from Conquet. He replied that he had not yet received the official report, but that he had been informed of all that I had stated, and also that the schooner had struck on a rock in Stiff Bay, and that the cries of her crew had been heard at the light-house on Ushant. Suspecting that this transshipment might be of war contraband goods for America, he has demanded a full report from the commissary of marine at Conquet, and will communicate it to me.

I have, &c.,
(Signed) ANTHY. PERRIER.

No. 22.

Consul Clipperton to Earl Granville.

BREST, *September* 9, 1871. (Received September 12.)

Map explanatory of proceedings off the French coast.

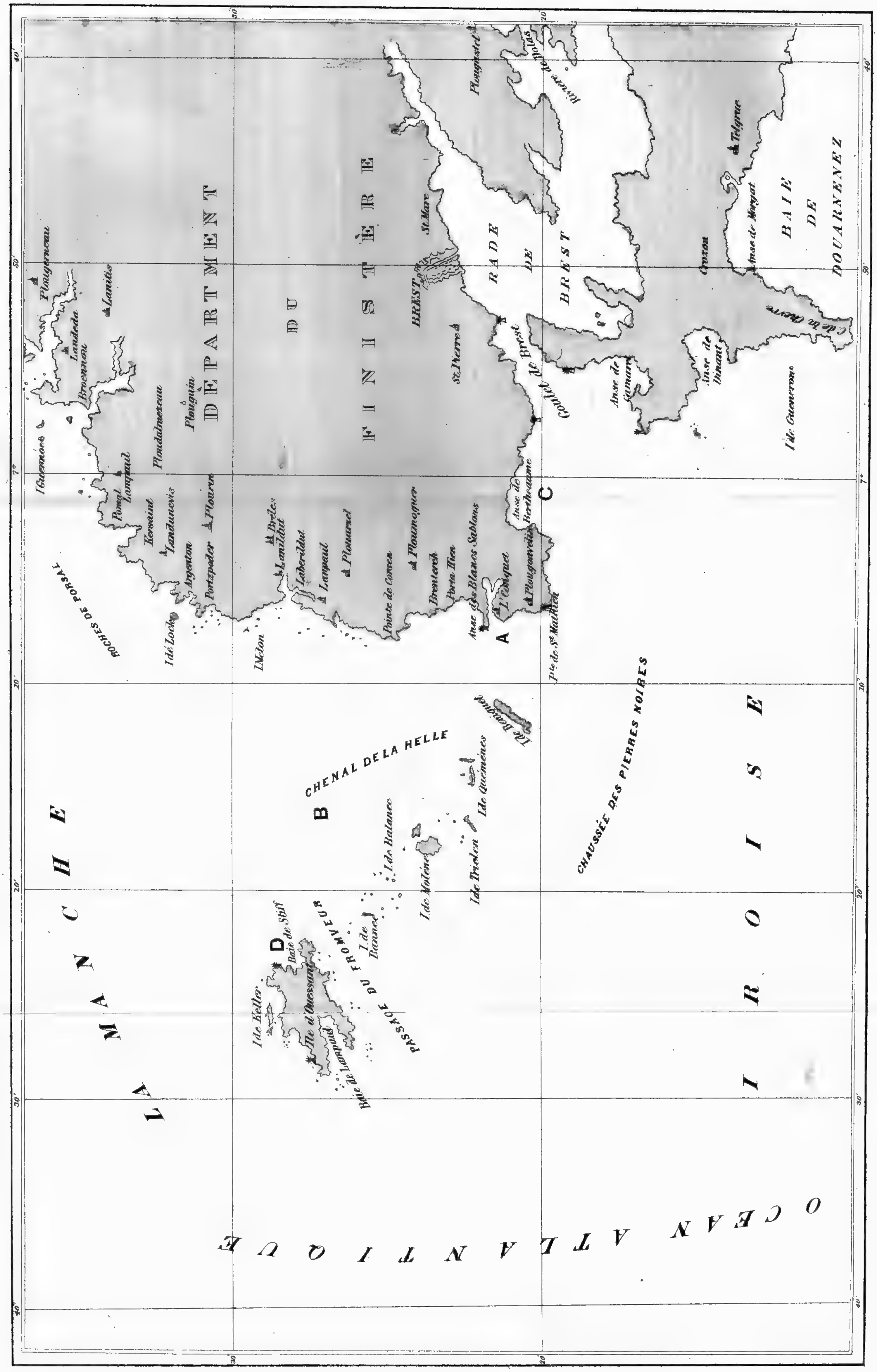
MY LORD: I have the honor to acknowledge the receipt of a dispatch from the Foreign Office marked "separate," and dated 31st August last, instructing me to report to your lordship all the information I can obtain respecting the equipment of the confederate cruiser Georgia, then known as the Japan, or Virginia, off Morlaix, and the visit of that vessel to Brest, between the 4th and 9th of April, 1863, and to forward with my report a small map or chart of the coast explanatory of the proceedings which took place within or contiguous to the limits of French jurisdiction.

In reply, I beg most respectfully to inform your lordship that 417 at Morlaix nothing is *known of the confederate cruiser Georgia, either under the name of Japan or Virginia, but the matter appears to have transpired near to Conquet, marked (A) on the accompanying chart, and was as follows:

On the 9th April morning, 1863, two English vessels, a brig and a steam-schooner, were seen in the Fromveur Channel, between Ushant and the mainland, (B,) making signals for a pilot. Two pilots of Moléne, named Piton and Marec, went on board. They were told that the vessels were the brig Japan, of Liverpool, and schooner Alar, of London, bound for Liverpool with a general cargo.

The Alar was represented to have sprung a leak, and had requested the brig to stand by her to render assistance if required. At about 6 in the evening of the same day the two vessels anchored in Bertheaume Bay, (C,) and efforts were made, unsuccessfully, owing to a heavy surf, to transship part of the cargo from the schooner to the brig. The pilots proposed to take the vessels into Brest, but were refused. The two vessels got under way at 6 a. m. of the following day, the 8th, passed through the Conquet Channel, and anchored in Stiff Bay, (D,) under Ushant, where the transshipment was effected, and that same evening they sailed for Liverpool.

The official reports made to the admiral of the port of Brest by the French naval agent at Ushant and the custom-house officer at Conquet state that the schooner was sighted before the brig, and that both were seen hovering about for two or three days; they were both seen close alongside of each other, the schooner apparently discharging or trying to discharge cargo into the brig. After anchoring in Stiff Bay the trans-



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shipment was actively carried on until between 7 and 8 in the evening, at about which hour the brig went to sea.

At about 10 o'clock of the same night cries and noise of putting out boats were heard at the light-house as if proceeding from the schooner. It is supposed that the schooner foundered, and that the boats went out to sea, as nothing further was ever heard of either vessel or crew.

I beg further to inform your lordship that two steam-vessels were constructed and partly fitted out at Nantes, during the war in America, for the Confederate States. On my return to my post I shall be in a position to forward all the information connected with them, should your lordship consider it expedient for me to do so.

I have, &c.,
(Signed) ROBT. CHAS. CLIPPERTON.

(Inclosure in No. 22.)

Map of the coast of Brest.

No. 23.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *April* 16, 1863. (Received April 17.)

SIR: Referring to the correspondence which has taken place relative to the Japan and the Alar, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the lieutenant governor of Guernsey, reporting the steps which he had taken in consequence of the instructions sent to him from this office respecting those vessels.

I am further to state that, as the foreign enlistment act (59 Geo. III, cap. 69) appears not to have been hitherto registered in the Channel Islands, Sir George Grey has requested that the lord president of the council will cause the proper steps to be taken for the purpose of its being registered.

I am, &c.,
(Signed) H. WADDINGTON.

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[418] *[Inclosure in No. 23.]

Lieutenant Governor Slade to Mr. Waddington.

GUERNSEY, *April* 14, 1863.

SIR: I have the honor to acknowledge your letter of the 11th instant, giving cover to one from your office of the 8th instant, missent to the Isle of Man, with copy of a letter from Mr. Adams to Earl Russell, dated the 8th instant.

Japan and Alar did not visit Alderney.

From the statements in the London papers of yesterday, received this morning, it would appear that the Japan steamer had communicated with the Alar at sea, and had proceeded on her voyage, and that the Alar had arrived at Plymouth. There is, therefore, every reason to believe that either of these vessels have been at Alderney.

I have, however, requested Captain de Saumarez to proceed immediately in Her Majesty's ship Dasher to Alderney, and to obtain every information respecting these vessels, which I shall have the honor to transmit to you at the earliest opportunity.

I have to observe that I have communicated with the Queen's procureur of Guernsey upon the matter, and he has informed me that the act of Parliament 59 Geo. III, cap. 69, is not registered here, in consequence of which he is of opinion that the provisions could not be enforced.

I have, &c.,
(Signed) M. SLADE.

No. 24.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 21, 1863.

Substance of reports of customs officers communicated to Mr. Adams.

SIR: I stated to you in my letter of the 16th instant, that your letter of the previous day, respecting the case of the Japan, otherwise the Virginia, had been referred to the proper departments of Her Majesty's government, but I will not delay informing you that Her Majesty's government have received from the authorities at Glasgow, and at Greenock, reports, from which it appears that that vessel was constantly visited while she was in course of construction, and that the surveys seemed to show that she was intended for commercial purposes, and that her frame-work and plating were of the ordinary sizes for vessels of her class.

She was entered on the 31st ultimo as for Point de Galle and Hong-Kong, with a crew of forty-eight men. She shipped on the 1st instant the bonded stores stated in the margin[1] and she cleared on the same day in ballast for Point de Galle and Hong-Kong.

Her Majesty's government are further informed that the Japan left the anchorage early on the morning of the 2d instant, with the ostensible purpose of trying her engines, intending to return, having on board several joiners, who were fitting up her cabins. These men, who are said to have been employed at a later time in fitting up a magazine, were subsequently landed on some part of the coast lower down the Clyde.

The custom-house officer who visited the Japan on the evening of the 1st instant to see that her stores were correct, reports that he saw nothing on board which could lead him to suspect that she was intended for war purposes. Her Majesty's government are further informed that she was not heavily sparred, and that she could not spread more canvas than an ordinary merchant-steamer.

I am, &c.,
(Signed) RUSSELL.

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[419]

*No. 25.

The law-officers of the Crown to Earl Russell.

TEMPLE, *April* 30, 1863. (Received May 1.)

Enlistments for Japan, or Virginia.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 20th April instant, stating that he was directed to transmit to us, together with the

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[1] One hundred and fifteen gallons spirits, 32 gallons wine, 244 lbs. tea, 159 lbs. coffee, 212 lbs. tobacco, 10 lbs. cigars, 18 cwt. 3 qrs. 2 lbs. sugar, 2 cwt. 2 qrs. 8 lbs. molasses, 2 cwt. 1 qr. 5 lbs. raisins, 1 cwt. 1 qr. 8 lbs. currants.

Opinion of law-officers as to statements represented by Mr. Adams. Enlistments do not appear to have taken place within British jurisdiction.

previous correspondence which has passed on the subject, a letter from the United States minister at this court, inclosing copies of depositions which have been made by the British subjects who appear to have been solicited to take service on board the Japan or Virginia, the vessel which recently left the Clyde with the supposed intention of acting hostilely against the United States; that Mr. Adams likewise incloses list of the officers and men who left Liverpool to join this vessel and of those who refused to take service on board of her; and Mr. Hammond was to request that we would take the papers into consideration, and furnish your lordship with our opinion as to any steps which Her Majesty's government can properly and legally take in the matter.

We are also honored with Mr. Hammond's letter of the 21st April instant, transmitting a dispatch from Her Majesty's consul at Brest respecting this case.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That, in our opinion, it is not competent to Her Majesty's government at present to take any steps in the matter to which Mr. Adams's dispatch of the 15th April refers.

So far as relates to British seamen who have accepted the proposal made to them in French waters to engage in the belligerent service of the Confederate States, we think that they have offended against the second section of the foreign-enlistment act, and will be liable to be proceeded against for a misdemeanor if they should be found within British jurisdiction; the first part of that section (which applies to the persons entering into such engagements) being in the form of an absolute prohibition, applicable generally to British subjects, without reference to the place where the act prohibited may be done. But, inasmuch as these seamen are not at present within British jurisdiction, no steps can now be taken for their prosecution.

With respect to the seamen who have returned to this country, it seems clear that their conduct has been laudable, and not criminal. They were induced, by false and fraudulent representations, to enter into engagements at Liverpool for a perfectly lawful voyage, and afterward, when apprised of the deception which had been practiced upon them, and invited to enter an engagement of a different character, they refused to do so.

With respect to Captain Hitchcock, and any other persons who may have been instrumental in inducing the crew of the Japan to take service in her before her departure from this country, it is clear that (howsoever censurable their conduct may have been) they did nothing contrary to the foreign-enlistment act; for it was not until the ship was in French waters that any proposal appears to have been made to any of the men to enter into the belligerent service of the Confederate government, and the latter part of the first section of the foreign-enlistment act (which applies to the case of persons "hiring, retaining, engaging, or procuring" others to enter into the belligerent service of a foreign state) is expressly limited to acts done within the territorial jurisdiction of the British Crown.

We have, &c.,

(Signed)

WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 26.

Mr. Adams to Earl Russell.

[Extract.]

JULY 7, 1863. (Received July 8.)

Registration of Japan, or Virginia.

The Japan said to have been registered as the property of Mr. Bold.

It is with great regret that I feel myself once more compelled to call your lordship's attention to the circumstances attending the outfit of the steamer called the Japan. It now appears that the vessel was, at the time of her escape, and has continued until very lately to be, the property of a British subject, residing in Liverpool. That person is Mr. Thomas Bold, a member of the commercial house of Jones & Co. I have information which leads me to believe that only within a few days has Mr. Bold notified the collector of customs at Liverpool of his sale of this vessel to foreign owners, and requested the register to be canceled. That [420] act was not completed till the 23d *of June last. It would appear from these acts, should they prove to be true, that this vessel has remained the property of a British subject during a considerable time in which she has been engaged in committing extensive ravages upon the commerce of a nation with which Her Majesty is at peace. The fact of the outfit of that vessel for hostile purposes has already occupied the attention of your lordship, in consequence of former representations, unhappily made too late for effective interposition. But the circumstance of the retention of the ownership by a British subject for so long a period after she was known to be engaged in hostilities against the United States, is of too grave a character to justify me in omitting to call your lordship's particular attention to it, in advance of the possibility of receiving instructions respecting it.

No. 27.

Mr. Layard to the secretary to the treasury.[1]

FOREIGN OFFICE, *July* 13, 1863.

SIR: With reference to previous correspondence, I am directed by Earl Russell to transmit to you an extract of a letter from Mr. Adams, stating that it now appears that the steamer Virginia, or Japan, was, at the time of her escape, and has continued until very lately to be, the property of Mr. Thomas Bold, a British subject, residing in Liverpool.

I am to request that you will move the lords commissioners of Her Majesty's treasury to call for a report on this subject from the commissioners of customs.

I am, &c.,
(Signed) A. H. LAYARD.

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[1] A similar letter was addressed to the home office.

No. 28.

Mr. Waddington to Mr. Layard.

WHITEHALL, *July* 16, 1863. (Received July 17.)

SIR: I have laid before Secretary Sir George Grey your letter of the 13th instant, inclosing an extract of a letter from the American minister at this court, stating that it now appears that the steamer Virginia, or Japan, was, at the time of her escape, and has continued until very lately to be the property of Mr. Thomas Bold, a British subject, residing at Liverpool, and suggesting inquiry into the correctness of that statement. And I am to acquaint you, for the information of Earl Russell, that, in the opinion of Sir George Grey, such an inquiry would be useless, as the ownership of the vessel is not sufficient to bring the owner within the provisions of the foreign enlistment act. The offense against that act lies in the "equipping, furnishing, fitting out, or arming" a ship with the intent there stated, within Her Majesty's dominions. As, therefore, no proceedings could be taken against Mr. Bold, if it should result from an inquiry that he is or was the owner of the Virginia, or Japan, without additional evidence to the effect above stated, Sir George Grey requests to be informed, before writing to the mayor of Liverpool, whether Lord Russell wishes the inquiry to be made. If Sir George Grey recollects correctly the circumstances, the ship in question received her armament out of Her Majesty's dominions.

I am, &c.,
(Signed) H. WADDINGTON.

No. 29.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *July* 20, 1863. (Received July 20.)

Report from customs.

SIR: With reference to Mr. Layard's letter of 13th instant, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a report, and accompanying papers, relating to the question of the ownership of the steamer Japan, or Virginia, which have been received by this board from the commissioners of customs.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[421] *[Inclosure 1 in No. 29.]

The commissioners of customs to the lords commissoiners of the treasury.

CUSTOM-HOUSE, *July* 18, 1863.

Your lordships having referred to us the annexed letter from Mr. Layard, transmitting, by desire of Earl Russell, with reference to previous correspondence, an extract of a letter from Mr. Adams, stating that it now appears that the steamer Virginia, or Japan, was, at the time of her escape, and has continued until very lately, the property of Mr. Thomas Bold, a British subject residing in Liverpool. We now report—

That by the 53d section of the "merchant shipping act," it is enacted that if any registered ship is either actually or constructively lost, taken by the enemy, burned, or broken up, or if, by reason of a transfer to any persons not qualified to be owners of British ships, or of any other matter or thing, any such ship as aforesaid ceases to be a British ship, every person who at the time of the occurrence of any of the aforesaid events owns such ship, or any share therein, shall immediately upon obtaining knowledge of any such occurrence, if no notice thereof has already been given to the registrar at the port of registry of such ship, give notice to him, and he shall make an entry thereof in his register-book, and every owner who, without reasonable cause, makes default in obeying the provisions of this section, shall for each offense incur a penalty not exceeding £100.

That in our secretary's letter of the 11th April last, we transmitted to your lordship copy of a report of our collector at Greenock, stating, in reply to our inquiry, that the steamer Japan had been entered outward on the 31st preceding for Point de Galle and Hong Hong, and that she left the port finally on the 6th or 7th April.

That, on receipt of your lordship's reference, we called upon our collector at Liverpool for his report, who has transmitted to us the whole of the papers relating to the registry of the Japan, from which it appears that the vessel was built at Dumbarton by Messrs. Denny Bros. She was surveyed by the officers at Glasgow, whose certificate is dated 4th February last. On the 19th March Mr. Thomas Bold signed a declaration to the effect that he was sole owner of the Japan, and claimed to be registered as such, and a certificate of registry was accordingly issued by the collector at Liverpool on the 20th of the same month.

It further appears that, on the 23d ultimo, Mr. Bold, in a letter of that date to the collector of Liverpool, a copy of which we annex, delivered up the certificate of registry, "as he had conveyed the ship to an 'alien.'"

The object which Mr. Adams would appear to have in view in the annexed letter is to show that this vessel has continued to be the property of a British subject while employed in hostilities against the Northern States of America. We have, therefore, thought it right, before forwarding the aforegoing statement of the case, to obtain the opinion of our solicitor on the facts disclosed therein, and we beg to submit herewith a copy of the report of Mr. Hamel, for your lordship's information and consideration.

(Signed) THOS. F. FREMANTLE.
R. W. GREY.

[Inclosure 2 in No. 29.]

Mr. Bold to Mr. Edwards.

LIVERPOOL, *June* 23, 1863.

SIR: I beg to hand you the certificate of registry of the screw-steamer Japan, official No. 45868, port No. 93, as I have conveyed the vessel to an alien.

I am, &c.,
(Signed) THOMAS BOLD.

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[422]

[Inclosure 3 in No. 29.]

Report by Mr. Hamel.

JULY 16, 1863.

Opinion of customs solicitor.

In order to establish the fact, if anything turns upon it, that Mr. Bold continued to be the owner, as a British subject, of the Japan at the time and subsequently to her having been employed in committing hostilities against the United States, it will be necessary to prove the date at which Mr. Bold parted with the vessel, and to show that it was subsequently to her being so employed. In order to this, however notorious the fact may be, it will be equally necessary to prove by evidence that she was so employed prior to the sale by Mr. Bold, notoriety, without legal proof, being valueless. The Japan has also changed her name, and evidence of identity is requisite; and before Mr. Bold can be charged with a violation of the law—if proof of the above facts creates any offense within the foreign enlistment act—it must be proved that the illegal acts of the master were committed with the privity or knowledge of Mr. Bold, and by his directions or authority. The vessel itself is out of reach; and Mr. Adams's suggestion, therefore, points to personal prosecution. Mr. Bold's defense, even if the other facts were proved, would be that he was no party to the illegal acts of the master, and that the wrong was beyond his control; and this would be a good answer in law to a criminal prosecution, unless the guilty knowledge and intent were proved. It would be extremely difficult to obtain such evidence, and very unsafe to proceed without it. In the recent case of the Alexandra every effort was made to prove that the Florida was identical with the Oreto, and that part of the case entirely failed, though the notoriety of the Florida's exploits was far greater than that of the Virginia's, alias Japan's.

The latter vessel was allowed to proceed to sea, notwithstanding the suspicious circumstances which surrounded her, for want of sufficient evidence of a violation of the foreign enlistment act in time to effect the seizure; and had seizure been made, according to the ruling of the lord chief baron in the late case, and which is law until reversed, such a seizure could not have been maintained in the court of exchequer, inasmuch as there was not evidence of any equipment, furnishing, fitting out, or arming within the United Kingdom. While this doubted interpretation of the law remains undisturbed, whatever the Crown might choose to risk in the seizure of chattels in which pecuniary considerations alone are involved, it is a matter for grave deliberation whether it would be expedient (however strong the suspicion against the party, and however confident the government or its legal advisers may be that the chief baron is wrong) to interfere with the liberty of the subject by a criminal prosecution against the alleged offender.

(Signed) F. J. HAMEL, *Solicitor.*

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[423]

FORM No. 1 A.—STEAMER.

Certificate of survey.

Name of ship.	British or foreign built.	Port of intended registry.	How propelled.
Japan.	British.	Liverpool.	By a screw propeller.

Number of decks	One and a poop.	Build	Clincher.
Number of masts	Two.	Galleries	None.
Rigged	Brig.	Head	Demi-woman.
Stern	Round	Frame-work	Iron.

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore-part of stem under the bowsprit to the aft side of the head of the stern-post	219	00
Main breadth to outside plank	27	25
Depth in hold from tonnage-deck to ceiling at midships	14	75

Name and address of builder: W. Dennys Brothers, Dumbarton.

TONNAGE.

	No. of tons.
Tonnage under tonnage-deck	554.54
Closed-in spaces above the tonnage-deck, if any, viz:	
Space or spaces between decks	......
Poop	85.67
Round-house	......
Other inclosed spaces, if any, naming them—store-room on deck	1.39
Excess of space appropriated to the crew above one-twentieth of the remaining tonnage	6.68
Total	648.28
Deduction for space required for propelling-power, as measured	221.03
Register tonnage, (after making deduction for space for propelling-power in steamers)	427.25

Length of engine-room	54 feet 3 tenths.
Number of engines	2
Combined power, (estimated horse-power,) number of horse-power	200 horses.

Name and address of engine-makers: Denny & Co., Dumbarton.

I, the undersigned, Martin Costelloe, measuring surveyor for this port, having surveyed the above-named ship, hereby certify that the above particulars are true, and that the name and the port of registry are properly painted on a conspicuous part of her stern, in a manner directed by the merchant-shipping act, 1854.

Dated at Glasgow, the 4th day of February, 1863.

(Signed) M. COSTELLOE,
Surveyor.

Builders' certificate, measured under merchant-shipping act, 1854.

We do certify that we built in our building-yard at Dumbarton, in the county of Dumbarton, in the year 1863, the ship or vessel called the Japan, of Liverpool, for and on account of Thomas Bold, merchant, Liverpool, sole owner, the undermentioned person; said vessel being of the following description and dimensions: That she has one and a poop decks. two masts, brig-rigged, round-sterned, clinch-built, no galleries, demi-woman head, and that the frame-work and plating are of iron; that her length from the forepart of the stem, under the bowsprit, to the aft side of the stern-post, 219 feet; her main breadth to outside of outer plank is 27 feet 25-10ths; her depth in hold from tonnage-decks to ceiling at midships is 14 feet 75-10ths; and she admeasures under the tonnage-deck 554.54 tons; she has poop, store-room, and excess of crew-space, which admeasures 93.74 tons; her gross tonnage is 648.28 tons; she is propelled by screw-propeller, and has an engine, the measurement of which is 221.03 tons; and she admeasures, after deducting allowance for engine-room, 427.25 tons; she has two engines, the estimated horse-power of which is 200 horses; and that the undersigned and designed individuals were the first purchasers thereof, in the following proportions, viz:

Thos. Bold, merchant, Liverpool, sole owner.

Given under our hand at Dumbarton, this 28th day of February, 1863.

(Signed) WM. DENNY & BROTHERS.

Examined.

(Signed) A. F. FALL.

OCTOBER 10, 1871.

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[424] *CUSTOMS, *Liverpool, October* 10, 1871.

I certify that the within is a correct copy of the builders' certificate of the steamship Japan, of Liverpool.

(Signed) W. O. TWEED,
Principal Clerk, Bill of Entry Office.

FORM NO. 2.—STEAMER.

Resident or non-resident owner or transferee; natural-born subject

Declaration of ownership by individual.

Official number of ship, ——. Date of registry, ——, 186–.

General description of ship.		Port or registry.	How propelled.
Name of ship.	British or foreign built.		
Japan.	British.	Liverpool.	By a screw propeller.

Number of decks	One and a poop.	Build	Clinched.
Number of masts	Two.	Galleries	None.
Rigged	Brig.	Head	Demi-woman.
Stern	Round.	Frame-work	Iron.

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore-part of stem, under the bowsprit, to the aft side of the head of the stern-post	219	00
Main breadth to outside plank	27	25
Depth in hold from tonnage-deck to ceiling at midships	14	75

TONNAGE.

	No. of tons.
Tonnage under tonnage-deck	554. 54
Closed-in spaces above the tonnage-deck, if any, viz:	
Space or spaces between decks	......
Poop	85. 67
Round-house, using as store-room	1. 39
Other inclosed spaces, if any, naming them—excess of crew-space about one-twentieth of remaining tonnage	6. 68
Gross tonnage	648. 28
Reduction for space required for propelling-power, as measured	221. 03
Register tonnage	427. 25

Length of engine-room	54 feet 3 tenths.
Number of her engines	2
Combined power, (estimated horse-power,) number of horse-power	200

I, the undersigned, Thomas Bold, of Liverpool, in the county of Lancaster, merchant, declare as follows: I am a natural-born British subject, born at Liverpool, in the county of Lancaster, and have never taken the oath of allegiance to any foreign State. The above general description of the ship is correct. ——— ———, whose certificate of competency or service is No. —, is the master of the said ship. I am entitled to be registered as owner of sixty-four sixty-fourths shares of the said ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the merchant-shipping act, 1854, qualified to be owners of British ships is entitled, as owner, to any interest whatever, either legal or beneficial in the said ship. And I make this solemn declaration conscientiously believing the same to be true.

(Signed) THOMAS BOLD.

Made and subscribed the 19th day of March, 1863, by the above-named Thomas Bold, in the presence of—

(Signed) J. C. JOHNSTONE, JR.,
Registrar of Shipping, Port of Liverpool.

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[425] * FORM NO. 19.—NOVEMBER, 1864.

Register for transmission to chief registrar of shipping.

Official number of ship, 45868. Name of ship, Japan.

Port number.	Port of registry.	British or foreign built.	Whether a sailing or steam-ship; if steam, how propelled.	Where built.	When built.	Number, date, and port of previous registry, if any.
C 93.	Liverpool.	British.	Steam-screw.	Dumbarton, county of Dumbarton.	In 1863.	New ship.

Number of decks	One and poop.	Build	Clincher.
Number of masts	Two.	Gallery	None.
Rigged	Brig.	Head	Demi-woman.
Stern	Round.	Frame-work	Iron.

TONNAGE.

	No. of tons.
Tonnage and tonnage-deck	554.54
Closed-in space above the tonnage-deck, if any, viz:	
Space or spaces between decks	
Poop	85.67
Round-house, being store-room	1.39
Other inclosed spaces, if any, naming them—excess of screw-space above one-twentieth of remaining tonnage	6.68
	648.28
Deduct allowance for propelling-power	221.03
Register tonnage	427.25

Sold to a foreigner. Canceled 23d June, 1863.

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore-part of the stem under the bowsprit to the aft side of the head of the stern-post	219	00
Main bredth to outside of plank	27	25
Depth in hold from tonnage-deck to ceiling at midships	14	75

Additional particulars for steamers.

	Tons.
Deduction for space required for propelling-power	221.03

Length of engine-room, (if measured)	54 feet 3 tenths.
Number of engines	2
Combined power, (estimated horse-power)	200

Names, residences, and descriptions of the owners, and number of sixty-fourth shares held by each owner:

Thomas Bold, of Liverpool, in the county of Lancaster, merchant	64

Dated 20th March, 1863.
(Signed)

S. PRICE EDWARDS,
Registrar.

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[426] (A C)
Articles of agreement.
Sanctioned by the board of trade, March, 1865.
In pursuance of 17 and 18 Vict., cap. 104.

Agreement and account of crew.

(FOREIGN-GOING SHIP.)

Name of ship.	Official number.	Port of registry.	Port number and date of register.	Registered tonnage.	Nominal horse-power of engines, if any.
Japan.	45868	Liverpool.	93, March 20, 1863.	427	

Managing owner.		Master.			Date and place of first signature of agreement, including name of shipping-office.
Name.	Address, (state No. of house, street, and town.)	Name.	Number of certificate.	Address, (state No. of house, street, and town.)	
T. Bold.	Chapel street, Liverpool.	Thomas Hedgcock.	C 10346	180 Upper Frederick street, Liverpool.	March 27, 1863, Liverpool. Apr. 1, '63, Greenock.

The several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom 16 are engaged as sailors, hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from Greenock to Singapore and Hong-Kong, (with liberty to call at any port or ports on the way, if required,) and after arrival there to be employed in trading to and from ports in the China and Indian Seas, the voyage to be completed within two years by arrival at a final port of discharge in the United Kingdom.

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the ship's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency; and it is also agreed that the regulations authorized by the board of trade, which in the paper annexed hereto are numbered 1 to 22, are adopted by the parties hereto, and shall be considered as embodied in this agreement; and it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require; and it is also agreed that the crew shall consist of 3 mates, carpenter, boatswain, sail-maker, 2 stewards, 2 cooks, 10 seamen, 2 engineers, 16 firemen, 6 ordinaries, and 8 boys. No grog allowed.

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Dated the 27th day of March, 1863.

(Signed) THOMAS HEDGCOCK,
Master.

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[427] *[See Alabama, Part II, as to Georgia being at Bahia in May, and Cape of Good Hope in August, 1863.]

No. 30.

Mr. Dudley to Mr. Seward.

[Extract from Congress documents.]

UNITED STATES CONSULATE,
Liverpool, August 7, 1863.

Connection of Messrs. Jones & Co. and Mr. Bold with the Georgia.

SIR: I have reliable information that the pirate steamer Georgia is no other than the steamer Japan which sailed from Greenock, in Scotland, went out in the channel, took her armament on board off Brest from the steamer Alar, and sailed thence as the pirate Virginia. She is commanded by Lieutenant Maury, formerly of the Washington Observatory.

I have just seen a letter from John Stanley, one of the crew on board of this vessel, written to his wife in Liverpool, while the steamer was at Bahia. This man, Stanley, as well as all the other men on board, are Englishmen. Catherine Stanley, his wife, receives half-pay on account of her husband's wages on this vessel; the half-pay amounts to £2 10*s.* per month, and is paid to her each month at the office of Jones & Co., No. 28 Chapel street, Liverpool, by this firm. She says the wives of all the other men on board the vessel are also paid half-pay each month at this same office. You will recollect that it was this firm, Jones &

Co., that fitted out the vessel from Greenock. Many of the men for the Japan were engaged at this port. It was the firm of Jones & Co. that engaged the men and took them from here to Greenock. I have one of the original shipping-notes, signed by Jones & Co., of which inclosure No. 1 is a copy. This firm is composed of Thomas Bold, John Jones, and Robert Highat. The shipping-note was signed "Jones & Co.," by Robert Highat, one of the firm. John Jones, one of the firm, went out in the steamer Alar, was present when the men signed the articles on the vessel for a cruise, sat at the table and assisted in paying the bounty-money to the men who signed the articles. Thomas Bold, the other member, (whom, I am told, is a relative of Lieutenant Maury,) was the registered owner of the vessel, and remained such until the 23d of June last, when he wrote a note to the collector of customs at Liverpool, stating he had sold the vessel to foreign owners. I inclose you a certified copy of the register of this vessel from the customs in Liverpool. It is marked No. 2. Before this notice was given to the customs of a change of ownership, and while Bold appears as the registered owner, the Japan, *alias* Virginia, *alias* Georgia, destroyed several United States vessels. I took the opinion of Mr. Squarey, my attorney, as to the liability of this firm or of Thomas Bold. Inclosure No. 3 is a copy of that opinion. It now appears that since the notice of the transfer of this vessel, as well as before, this same firm of Jones & Co., of whom Thomas Bold is a member, have continued and are now paying one-half the wages that the crew earn who are serving on board to their wives and families here in Liverpool.

I have from time to time in previous communications given you most of this information, but it seemed to me to be of so much importance as fixing the character, if not the nationality of this vessel, as to warrant my repeating it again.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclcsure in No. 30.]

Mr. Squarey to Mr Dudley.

10 WATER STREET, *Liverpool, July* 17, 1863.

DEAR SIR: I have considered the case on which you desired to have my opinion.

Report of United States consul's solicitor that there is no ground for prosecution.

The facts, as I understand them, are, that a vessel built and registered as a British ship at Glasgow, sailed from that port with a British crew on board, bound nominally for a voyage to some foreign port; the crew, however, being larger than would, in the ordinary course of things, be required for such a voyage. The vessel proceeded to the English Channel, where, in the vicinity of the French coast, she received from another British vessel arms and ammunition. A person professing to hold a commission from the government of the Confederate States of America then took charge of the vessel and informed the crew that the voyage for which they had signed articles was abandoned, [428] and *endeavored to pursuade them to enter the confederate service, giving to those not disposed to take such service the option of leaving the ship, which many availed themselves of. After this, the vessel having assumed the character of a confederate cruiser, but being still registered as a British ship, attacked and destroyed a merchant vessel belonging to citizens of the United States of America.. of the ruling of Chief Baron Pollock in the case of the Alexandra, as to the construction If the foreign enlistment act, be correct, it follows that no offense has been committed against that statute in the building and fitting out of the vessel in question, nor can the arming be considered to have infringed the statute, as it did not take place within any part of the Queen's dominions.

It does not appear to me the engagement of the crew can be treated as an offense gainst the act, because the only legal contract binding upon the crew was that appearing upon the articles. The men were not liable to do anything except what they had agreed to do by the articles, and from the statements of the men whom I saw, it did not appear that they knew when they shipped that it was expected or intended that they should serve on board a man-of-war or privateer. As regards the liability of the British registered owner to make good to the owners of the American vessel destroyed the loss sustained by them, I conceive it must depend upon the question whether those in command of the vessel at the time can be considered to have been the agents of the British owner. If they were such agents, and there was any evidence to show that the destruction of the American ship could be considered as an act within the scope of their authority, I have no doubt that the owners would be liable; but it appears to me that the circumstances to which I have previously referred go very far to rebut the presumption that such agency existed, and to prove in destroying the American vessel the officers and crew were acting not for the British owner, but for the government of the so-called Confederate States. In such case I do not think that any liability could be established against the British owner, for it is now well established that the mere fact of being on the register of the ship does not itself involve liability for the acts or engagements of the master and crew, and that such liability is, in fact, a question depending upon express or implied agency in every case.

Although, therefore, I do not see how a British owner is to be made liable, there is, in my opinion, a case which justifies the American Government in bringing the matter before the notice of the British government, and requiring explanations from that government of the circumstances under which a British vessel is found to be engaged in the destruction of vessels belonging to American citizens.

I remain, &c.,
(Signed) A. T. SQUAREY.

No. 31.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 7, 1863. (Received December 7.)

Enlistment at Liverpool of seamen for Georgia.

MY LORD: I have the honor to submit to your consideration a copy of a letter from Mr. Dudley, consul of the United States at Liverpool, covering a number of depositions, all going to establish, in the clearest manner, the existence of a regular office in the port of Liverpool for the enlistment and payment of British subjects, for the purpose of carrying on war against the Government and people of the United States. The persons concerned in these illegal transactions appear to be themselves all British subjects, knowingly engaged in violating the neutrality of their country, and, so far as it may be in their power, laboring to involve it in a war with a friendly nation with which it is at peace.

It is now some time since I first had the honor to call your lordship's attention to the fact of the systematic manner in which the insurgents in the United States have conducted the plan to violate, in her own kingdom, the neutrality proclaimed by Her Majesty at an early period in this contest. Every day that has since passed has only contributed more thoroughly to expose the various forms in which it is carried forward. I trust that the extraordinary character of these proceedings, as well as the hazardous consequences to the future peace of all nations, of permitting them to gain any authority under the international law, will not fail to fix the attention of Her Majesty's government.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[429] [Inclosure 1 in No. 31.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, December 1, 1863.

SIR: You will doubtless recollect that the pirate steamer Georgia, now at Cherbourg, was built upon the Clyde, sailed from Greenock, Scotland, under the English flag, and with an English crew, about the 3d of April last. At the time of her sailing she was called the Japan, afterward the Virginia, now the Georgia. Her crew was partly shipped in Liverpool and partly at Greenock. She sailed toward Brest, off which port she received her armament from the British steamer Alar, from New Haven, and at once entered upon her cruise. The vessel was fitted out and the crew shipped by Jones & Co., No. 28 Chapel street, Liverpool. I have in my possession one of the original notes given to one of the crew by this firm at the time he was shipped. The signature "Jones & Co.," to the note, I am told, was written by Thomas Hyatt, one of the firm. I am informed the firm consists of Thomas Bold, John Jones, and Thomas Hyatt, all Englishmen. At the time the vessel sailed she was owned by Thomas Bold, one of the members of this firm, as will appear by her register at the customs in Liverpool. He continued the owner up to 23d of June, 1863, at which time he parted with the vessel to a foreigner, as appears by a certified copy of said register, furnished me by the collector; John Jones, another member of the firm, went out to the Japan or Georgia, in the Channel, on the steamer Alar, at the time she carried out the armament, and superintended the shipping of the armament from the Alar to the Georgia, and aided in re-enlisting the crew for the cruise; promised the men who had wives should have half-pay of the wages earned by their husbands on the vessel. Francis Glassbrook and John Stanley, two of the crew, sent their bounty-money, amounting to £80, to their wives, and Benjamin Conolly, another of the crew, sent all or a part of his to his father by Mr. Jones. All this money so sent was afterward paid by Jones & Co., at their office, in Liverpool, to the parties to whom it had been sent. This firm have paid, and still continue to pay, the wives of the men on board this vessel the one-half of the wages earned by their husbands. The payments are made once a month. I inclose you copies of the affidavits of John Stanley, Francis Glassbrook, and Benjamin Conolly, three of the crew from this vessel, now in Liverpool, establishing the facts relative to their shipment, &c.; and copies of the affidavits of Mrs. Stanley and Mrs. Glassbrook, showing the payment of the half-pay by this firm to them during the cruise of the vessel, the last payment of which was made so late as Saturday, the 21st of November last; also a copy of Daniel Conolly's affidavit, proving the payment to him by Jones & Co. of the money sent by his son.

I have also to inform you that I am told the firm of Jones & Co. are now engaged in procuring and shipping men from Liverpool for this same vessel, the Georgia.

On the 21st of November, last Saturday week, Glassbrook and Conolly called at Jones & Co.'s office; they were asked if they belonged to the steamer Florida; they answered no, that they belonged to the Georgia. The man then told them he had news for them, and wanted them to go back to the ship. He told them they would pay their passage back, and requested them to be at the Havre boat on the next Monday morning. They both went to the Havre boat on the morning of the 23d of November last, were met by a man from Jones and Co.'s office, who paid them each £3, taking receipt for the same, to return and serve on said vessel the Georgia, now at Cherbourg. The affidavits of Conolly and Glassbrook, above referred to, prove these facts. You will also find a copy of Eliza Conolly's affidavit, corroborating the same.

I am, &c.,
(Signed) THOMAS H. DUDLEY,
United States Consul.

[Inclosure 2 in No. 31.]

£2 10*s*. *Agreement made at Liverpool this 28th day of March*, 1863.

Ten days after the ship Japan sails from the river Clyde, the undersigned do hereby promise and agree to pay to any person who shall advance £2 10*s*. to Edward [430] Davies, on this agreement, the sum of £2 10*s*., provided the said Edward Davies shall sail in the said ship from the said river Clyde.

(Signed) JONES & CO.

Payable at 28 Chapel street.

On the back:
(Signed) EDWARD DAVIES.

[Inclosure 3 in No 31.]

Deposition of John Stanley.

I, John Stanley, of No. 26 Court, in Ovid street, Vauxhall Road, Liverpool, in the county of Lancaster, cooper, make oath and say as follows:

On the 27th of March last I saw Mr. Barnett, a shipping agent, who informed me that he wanted several coopers to join the Japan, bound to Singapore, and he requested me to try and find one or two coopers to go with me, and to take them to Jones's office, 28 Chapel street. I went to several of my friends, but they all declined going. I then went to Mr. Jones's office, and saw a tall gentleman with a black mustache, and informed him, as directed by Mr. Barnett, that I could not get any one else to go with me, and I agreed to go myself. The gentleman then took down my name, and I afterward went back to the Sailors' Home, and Mr. Barnett introduced me to Captain Hitchcock, who told me that he wanted some coopers for his vessel, the Japan, going to China. I then asked him what wages he would give me, when he said £4. I told him that I could not go for these wages, and said that the ordinary wages of coopers was £6 10*s*. Captain Hitchcock then said to me that it was not wages alone that I should get; that I should get something else which would make up for the voyage. He at length agreed to give me £4 10*s*., which I accepted, and I then signed articles for two years. Atter signing articles I received a ticket, which I took to Jones's office, and I then received an advance note for £4 10*s*. I went to a great many places the same day, trying to get the note cashed, but no one would cash it for me. I went to Mr. Jones's office, and took my wife with me, and saw the same gentleman, and told him that no one would cash it for me, and unless he cashed it I would not go in the ship. He then paid me £2 on account, and said he would pay my wife the difference when I got to sea. He then told me to bring my clothes down to his office, which I did, and he then told me to be at the Greenock steamer the following Monday night, the 29th March, at 5 o'clock. I did attend at the Greenock steamer, as ordered, and there saw the same gentleman and Captain Hitchcock, who were superintending the shipping of our clothes. Each man's clothes had a number on it, and the gentleman from Jones's office called out our numbers as we went on board the steamer. We left Liverpool that night, and arrived at Greenock on the 21st. We were then taken on board of a tug-boat, which took us to the Japan. About the 3d of April we left Greenock, as was reported, on a trial-trip. After we had been out a few days we fell in with a small steamer, which we towed to Brest, where we came to an anchor in the harbor. The small steamer then came alongside of us, and we took in a large number of cases of arms and ammunition. Myself, the carpenter, and the joiner opened the cases, and I saw that they contained arms and ammunition. Mr. Jones superintended the shipping of the cases, he having come on board the Japan from the small steamer. A fresh captain then came on board the Japan from the small steamer, dressed in a gray uniform, and called us all aft, and said that his vessel was a going to sail under another name and flag; that her name was the Georgia, and we were a-going to cruise under the confederate flag; that he would pay the seamen £4 10*s*. a month and £10 bounty. He said he would pay me £5 a month. Mr. Jones was standing close to him at this time. One of the men asked him if we should get prize-money, when the captain said that if the Alabama's crew received it we should. Mr. Jones then said, "Of course we should get prize-money." Those who had agreed to join were then taken into the cabin, Mr. Jones, Mr. Chapman, the first lieutenant, and Captain Maury being present, when we signed articles to serve for three years or during the war, and we were each paid £10 on signing the articles. I then told Captain Maury that I was married, and would require half-pay, when Mr. Jones called me to him, and said that I should have it, and I gave him the address of my wife. I then gave my £10 bounty-money to Mr. Jones, who said he would send for my wife when he got home and pay it to her, and make arrangements with her for the half-pay. We left Brest about the 9th of April, and about the 25th we met the Dictator, which we burned. We then [431] * went to the Western Islands, where we found an American man-of-war lying at anchor. We then ran out again and went to Bahia, where we landed the Dictator's crew. Several of her crew agreed to join us. We also took in coals there from the bark Castor, but we were stopped by the authorities, and got the remainder of our coals from shore. We met the Alabama at Bahia, and several men who had been prisoners on board her joined us. We then went on our cruise, and soon afterward fell in with the George Griswold, which was ransomed. We afterward met with the bark Good Hope, which we burned. On the same day we fell in with the J. W. Sever, from Boston, which was ransomed. We put the Good Hope's crew on board of her. We then went to the island of Trinidad to coal. We waited there some time for the Castor, when we sighted a ship. We then got up steam and ran after her, and she proved to be the Constitution, laden with coal. We loaded our vessel with coal from her and took all her small-arms out, and then burned her. We fell in with the City of Bath the same day, which we boarded, and her captain gave a bond. We put the Constitution's crew on board of her, except five, who joined us. We soon afterward fell in with the Prince of Wales, which was ransomed. We then went to Simon's Bay, Cape of Good Hope, where we got the decks calked. We staid at Simon's Bay about a fortnight, and on the first night after leaving there we met the John Wart, which was ransomed. We then steered northward, and about the 8th or 9th of October we fell in with the Bold Hunter, which we burned. We put her crew ashore at Teneriffe, where we coaled, and then proceeded to Cherbourg, in France. While we were lying at Cherbourg I got twenty-four hours' leave of absence. The paymaster gave me £1 as liberty-money. I went ashore, and having got some drink I came back to the yard where the Georgia was lying, when I changed my mind and went back again into the town, where I met the carpenter, who gave me some money to pay my fare to Havre, and I then came to Liverpool in the Havre steamer. On the Sunday before I left Cherbourg the captain of the Georgia called us aft, and said he was sorry to hear that some of us were dissatisfied with the ship, but that he had two fighting-ships coming over, and we might join either of them, and that we should have as much fighting as we liked. The captain said this to the crew on two occasions. On the 26th of November, instant, I called at Mr. Jones's office with my wife, and saw the same gentleman, and asked for Mr. Jones. He asked me what I wanted with him, and whether I was one of the men belonging to the ship. I told him I belonged to the Georgia, and he asked me whether I was going to join the ship again. I told him that I was, and asked him for something on account of my wages. He told me that he could not pay it to me then, but requested me to call the following morning. I then asked him whether he could not give me something then, when he said, "No; you must call to-morrow." He then asked me whether I had seen any of the men belonging to the ship in the town, and I told him that I had, and he desired me to look them up and bring them with me to his office to-morrow.

(Signed) JOHN STANLEY, his + mark.

Sworn at Liverpool, in the county of Lancaster, this 26th day of November, 1863, the affidavit having, in my presence, been previously read over to the deponent, who appeared perfectly to understand the same, and made his mark thereto in my presence.

(Signed) J. PEARSON,
A Commissioner to administer Oaths in Chancery in England

[Inclosure 4 in No. 31.]

Deposition of Francis Glassbrook.

I, Francis Glassbrook, of 53 Upper Hill street, Liverpool, in the county of Lancaster, able seamen, make oath and say as follows:

On the 27th March last I heard some men were wanted for a steamer going to China, and I went to the Sailors' Home, Liverpool, and shipped in the screw-steamer Georgia, under the name of Francis Rivers, for a voyage to Singapore and back to the United Kingdom, not to exceed two years. After I signed articles, a tall gentleman, with a black mustache and an imperial, whose name I have been informed and believe is Robert Hyatt, told me to take my clothes to Mr. Jones's office, 28 Chapel street, which I did. I then received orders to call the following morning at his office, which I did; and the same gentleman told me to be at the Greenock steamer on the following Monday night at 5 o'clock. I went to the Greenock steamer as ordered, and there [432] saw * Captain Hitchcock and Mr. Jones, who was superintending the shipping of our clothes. We sailed for Greenock that night, and arrived there on the 21st; we were then taken on board of a tug-boat, which took us to the Japan, or Georgia. On the 3d of April we left Greenock, as was reported, on a trial-trip. During the time we were upon the supposed trial-trip we fell in with a small steamer, which came alongside of us, and we towed her to Brest, where we came to anchor. While we were lying at anchor at Brest the small steamer discharged a large number of cases containing arms and ammunition into the Japan, under the superintendence of Mr. Jones, who came aboard the Japan from the small steamer. I saw several of the cases opened, which contained arms. The captain of the Japan then put on his uniform, and several officers came on board from the small steamer. The captain then called all hands aft, and told us that his vessel was going to sail as a confederate cruiser, and told us that those who wished to join should have £4 10*s.* a month, and £10 bounty. One of the men then asked him if we should have our share of the prize-money, when the captain told him if the crew of the Alabama received any prize-money we should get it. A great many of the men refused to go, but I and about thirty others agreed to join, and we were then taken into the cabin, and signed articles again to serve in the Japan, and were each paid £10 on signing, Mr. Jones being in the cabin at the time taking down

the addresses of our wives. I signed articles the second time in my right name. We all signed for three years, or during the war. After I signed articles I asked Captain Maury whether he would give me half-pay, as I was married; when he took down the address of my wife, and said that he would leave instructions for my half-pay to be paid to her. Mr. Jones was still in the cabin when I asked Captain Maury about my half-pay. I inclosed my £10 bounty-money in a letter which I sent to my wife by Mr. Jones, and told her that she must call and see Mr. Jones, and inquire if he had received orders to pay her my half-pay; and my wife called at his office and received the money; and she has since called regularly every month at Mr. Jones's office, and he has paid her my half-pay. I also gave my advance-note to my wife, and it was cashed at Mr. Potter's, 8 James street. We left Brest on the 9th of April, and about the 25th we fell in with the Dictator, from Liverpool, bound to Hong-Kong; we ran close up to her and hove to, and sent a boat aboard of her; we then brought her crew on board the Japan, and burned her. We were flying the English ensign from leaving Brest, but when we got alongside the Dictator we hoisted the confederate flag. We then went to the Western Islands, where we found an American man-of-war at anchor, which had arrived before us; we then went to Bahia, where we landed the crew of the Dictator, except six, who had agreed to join the Japan; we there met the bark Castor, and took in coals from her; while we were taking in coals we were stopped by the authorities, and we had to get the remainder of our coals from shore; after we finished coaling, several men, who had been prisoners on board the Alabama, joined us, and we then went on our cruise. We fell in with the George Griswold, from Liverpool to Rio Janeiro, and sent a boat to her; we did not burn this vessel, her captain having given a bond; we then fell in with the bark Good Hope, from Boston to the Cape of Good Hope, which we burnt. On the same day we fell in with the J. W. Sever, from Boston, which was ransomed; we placed the crew of the Good Hope on board of her; we then proceeded to a desolate island called Trinadi, where we expected to meet the Castor; after lying there a week, the Castor not having made her appearance, we sighted a ship, which proved to be the Constitution, from New York, laden with coals; we filled our vessel with coals from her, and then burnt her. During the time we were taking in coals from the Constitution, we fell in with the City of Bath, which we boarded, and ransomed; several of the crew of the Constitution also joined the Japan, and we put the remainder on board of the City of Bath. We then cruised about, and in about a week we fell in with the Prince of Wales, which was also ransomed. We then went to Simon's Bay, Cape of Good Hope, where we got the decks calked, and coaled. After staying there about a fortnight, we left and steered toward England, and on the first night after leaving we fell in with the John Watt, which we learnt had been previously boarded by the Vanderbilt; we did not burn the John Watt, her captain having given a bond. We then steered northward, and on the 9th of October, we fell in with the Bold Hunter, which we burnt on the 10th; we put her crew ashore at Teneriffe. We coaled at Teneriffe, and then proceeded to Cherbourg, in France, where we remained about a week. I left the Japan at Cherbourg, having got leave of absence for a week. I got £10 from the purser as liberty-money. On the Saturday previous to my leaving Cherbourg for Liverpool, the captain of the Japan, Mr. Maury, called all hands aft and said: "Well, my
men, I hear that a great many of you are dissatisfied with the vessel, and I am sorry
[433] *to hear that some of you want to leave her; I do not wish to part with any of
you, being such a good crew; I have stuck to my bargain with you, and I hope you will all stick to yours." One of the men then said to the captain that we did not wish to leave the service; we were all dissatisfied with the ship, and wanted to be on board a ship more able to fight. The captain then said that we should have two fighting-ships before long, and we should have as much fighting as we could do with. Several of the men then spoke about leaving for Liverpool, when the captain said he had no orders yet to grant leave to any of us, but that he was going to Paris that night to see his superior, and on his return he would give us further information. On his return from Paris he again called us aft, and said that he had got very good news from Paris; that he could give us leave for a short time, but that he could not part with any of us; but that if any of us could not agree among ourselves, we might join either of the two vessels which he had coming. On my return to Liverpool I went to Mr. Jones's office, in Chapel street, and asked him how I was to get back to the Japan; but he denied all knowledge of the vessel, and advised me to write to the captain. On the 21st day of November, instant, I again called at Mr. Jones's office in company with Benjamin Conolly, and saw the gentleman with a mustache. I asked for Mr. Jones, and the gentleman then asked me if I belonged to the Florida; I replied, no; I belonged to the Georgia; he then said that he had news for us, and wanted us to go back to the ship; I then asked him if he could give me my half-pay, when he said that my half-pay was waiting, in the office, for my wife, and that he would not pay it to any one but her; I then informed him that my wife was ill, and asked him if I got her to sign a receipt for the money whether he would pay it to me; when he said he would, and he directed the boy to make out a receipt for the half-pay; I took the receipt home to my wife, and

she made her mark to it in the presence of my mother, and I afterward took it to Mr. Jones's office, and the clerk paid me the money. The same clerk then told me to call at the office again at 3 o'clock, and I did call at that time, when he requested me to be at the Havre boat on the following Monday morning, at 8 o'clock, as he wanted me to join the ship again, and he would then pay my passage to Cherbourg. I went to the Havre boat, as directed, on Monday morning, the 23d of November, instant, and saw there Frank Barron, the yeoman of the Georgia, or Japan, who introduced me to a strange clerk from Jones's office; he was a young man, about 5 feet 7 or 8 inches high, without any whiskers, and whose name I have been informed and believe is John Welding. The clerk said to me that he did not think I was going to come, as it was late; I then asked him if I was to go back to the Georgia, and he said yes; I then asked him to whom was I to report myself, when Barron answered that I was, of course, to report myself to one of the deck-officers when I reached Cherbourg. The clerk then asked me to sign two papers, which I thought were receipts for the £3, which he then gave me to pay my passage round to Havre; I signed the papers on a bale of goods on the dock quay; the clerk then asked me to go on board the Havre steamer, but I made an excuse that I wanted to get a glass of grog before leaving; the clerk objected to my going away, but as I insisted upon going, he at last consented. In the schedule I have given a list of the officers and crew of the Georgia. The schedule referred to is as follows: L. Maury, captain, and Chapman, first lieutenant, left us at Cape Town; Mr. Evans, second lieutenant; Mr. Smith, third lieutenant; Mr. Ingram, fourth lieutenant, or sailing-master; Mr. Walker, passed midshipman; Mr. Morgan, midshipman; Mr. Curtis, paymaster; William May, master-at-arms; George Stevenson, sergeant; Henry J. Jones, doctor's assistant; Mr. Pearson, chief engineer; Mr. Butler, second engineer; Smith, third engineer, left us at Cape Town; Mr. Hannon, fourth engineer; Mr. Naylor, gunner; Mr. Morton, boatswain; Thomas Williams, chief boatswain's mate; Thomas Williams, second boatswain's mate; Thomas Monk, fourth boatswain's mate; Thomas Call and Frank Mills, captains of forecastle; John Benson, captain of foretop; Robert Rodway, captain of maintop; Felix Morgan and William Williams, captains of afterguard; Thomas Hiley, James Hendry, and William Jackson, quartermasters; William Dunn, acting gunner; John Williams, gunner's mate; William Price, cook; Freeman, ship's steward; Fleming, ward-room steward; W. Bassell, armorer; John Stanley, cooper; Joseph Seymour, lives at 33 Bedford street, Liverpool, seaman; Matthews, painter; R. Neil, carpenter, and Mr. Ewen, joiner; Jerome Ebrio, sail-master; Alex. Crozier, Alex. McDonald, Thompson, Robinson, W. Hayes, Neilson, Smith, Y. James, Fitzgerald, Peterson, John Lyons, William Lloyd, Hinds, and Murray, seamen; W. Cox, Ford, McThien, and J. Clayton, boys; Joseph Hobbs, captain of the hold; Frank Barron, ship's yeoman; James Wilson, William Cullen, John Allstone, and Smith, seamen; John Brown, No. 1, and John Brown, No. 2, seamen; Bernard Allen, John Dollan, Thomas Jonas, seamen; T. McChee, A. Ellis, A. Pantee, John McCarthey, [434] *Michael Droomy, William Davitt, Benjamin Conolly, 17 Temple Building, Liverpool; Gordon, Curtis, Thurston, Michael Connor, Walter Owen, James Wilson, John Williams, firemen; Thompson, ward-room cook; Antonio Bass, captain's cook; Mr. Hunt, master's mate; J. Williams, gunner's mate.

(Signed) FRANCIS GLASSBROOK.

Sworn at Liverpool, in the county of Lancaster, this 24th day of November, 1863, before me.

(Signed) JUSTLEY PEARSON,
A Commissioner to Administer Oaths in Chancery in England.

[Inclosure 5 in No. 31.]

Deposition of Benjamin Conolly.

Benjamin Conolly, of No. 17 Temple Buildings, Liverpool, in the county of Lancaster, fireman, makes oath and says as follows:

On the 27th day of March last I was at the Sailors' Home, Liverpool, when I met Mr. Barnett, a shipping-agent, who informed me that I had a chance of going in a steamer to Singapore. Mr. Barnett then introduced me to Captain Hitchcock, who told me that he would take me. I then signed articles, and a gentleman with a black mustache and an imperial, whose name I have been informed and believe is Robert Hyatt, came up to me and told me to take my clothes down to Mr. Jones's office, 28 Chapel street, Liverpool, which I did, and there saw the same gentleman. On the following morning, Saturday, I called at Mr. Jones's office, as requested, and received my advance note. I then received orders to be at the Greenock boat on the following Monday, at 5 o'clock. I went to the Greenock steamer, as ordered, and there saw Cap-

tain Hitchcock and Mr. Jones, who was superintending the shipping of our clothes. We sailed for Greenock that night, and arrived there on the 31st. We were taken on board of a tug-boat, which took us to the Japan, or Georgia. On the 3d of April we left Greenock as reported, upon a trial-trip; and while we were on the supposed trial-trip, we fell in with a steamer which brought us several more hands, provisions, and clothing. We afterward fell in with another small steamer, which we towed to Brest; and she there discharged a great many cases, containing arms and amunition, into the Japan, under the superintendence of Mr. Jones, who came on board of the Japan from the small steamer while we were lying at anchor at Brest. I know the cases contained arms and ammunition, because I assisted in opening several of them. Both the arms and ammunition cases were marked Alderney, and the muskets were marked Blakeley. After we got the cases on board, the captain of the Japan came aft, dressed in uniform, (a gray uniform,) with the letters C. S. N. on the buttons, and called all hands to him, and told us that we were going to sail under the confederate flag; that we should have £10 bounty and £4 10*s.* per month wages, if we joined. He also said we should have prize-money if the Alabama's crew received it. While the captain of the Japan was addressing us, Mr. Jones was standing close to him, and he afterward came among us, endeavoring to induce us to join. Mr. Jones came to me and asked if I would join, but I refused; and Mr. Jones told me that I was throwing a good chance away; that it was an excellent chance for me to make my fortune; that I should have plenty of money; and he at last induced me to join. Those who agreed to join them went into the cabin of the Japan. Mr. Jones was in the cabin, and taking down the addresses of the men's wives who received half-pay. I was paid £10 bounty upon signing articles. We joined for three years, or during the war with the North. We left Brest on the night of the 9th of April, and about the 25th we fell in with the Dictator, from Liverpool, and boarded her, and then brought the crew on board the Japan, and burned her. We then went to the Western Islands, where we found an American man-of-war lying at anchor, the name of which, I think, was the Mohican. We then went to Bahia, and landed the crew of the Dictator there, except a few who had agreed to join us. We met the bark Castor at Bahia, and took in coals from her. While we were taking in coals we were stopped by the authorities, and got the remainder of our coals from shore. Several men, who had been prisoners on board the Alabama, joined us at Bahia, and we then went on our cruise. We soon afterward fell in with the George Griswold, which was ransomed, her captain having given a bond. We also fell in with the bark Good Hope, from Boston, which we burned. On the same day we boarded the J. W. Sever, from Boston, which was ransomed. We put the crew of the Good Hope on board of her. We then
[435] *proceeded to the island of Trinadi, where we had arranged to meet the Castor to coal. After lying there about a week, waiting for the Castor, we sighted the Constitution, from New York, laden with coals, which we boarded, and after filling our vessel with coals from her, we burned her. During the time we were taking in coals, we fell in with the City of Bath, which was also ransomed. We placed the Constitution's crew on board of the City of Bath, except about six, who agreed to join us. In about a week afterward we fell in with the Prince of Wales, which was ransomed. We then went to Simon's Bay, where got the decks calked. After leaving Simon's Bay, we fell in with the John Watt, which was also ransomed. We then steered northward, and about the 9th of October we fell in with the Bold Hunter, which we burned the following day. We put her crew ashore at Teneriffe, where we coaled. We then started for Cherbourg, in France, where we arrived about the 28th of October last. I left the Japan in Cherbourg (government dock-yard) and arrived in Liverpool on the 30th. I got a week's leave of absence, and received £20 liberty-money. On the Sunday previous to my leaving Cherbourg for Liverpool, the captain of the Japan, Mr. Maury, called all hands aft, and said, "Well, my men, I hear that a great many of you are dissatisfied with the vessel, and I am sorry to hear that some of you want to leave her. I do not wish to part with any of you, being such a good crew. I have stuck to my bargain with you, and I hope you will stick to yours." One of the men then said to the captain, "We did not wish to leave the service; we were all dissatisfied with the ship, and wanted to go on board of a ship more able to fight." The captain then said, "That we should have two fighting-ships before very long, and we should have as much fighting as we could do with." Several of the men then spoke about leaving for Liverpool, when the captain said, "He had no orders yet to grant leave to any of us, but that he was going to Paris that night to see his superior, and on his return he would give us further information." On his return from Paris he again called us aft, and said, "That he had got very good news for us from Paris; that he could give us leave for a short time, but that he could not part with any of us; but that if any of us could not agree among ourselves, we might join either of the two vessels which he had coming." On Monday last, the 16th of November, I called at Mr. Jones's office, in Chapel street, Liverpool, and asked him how I was to get back to the Japan, when he told me to call again in a day or two, and he would pay my passage to France. Upon signing articles, I received an advance note for two pounds, which was signed Jones & Co., 28 Chapel street, Liverpool. I got the note cashed at Jacob's, Paradise street. None

of the crew of the Japan received any half-pay notes, the captain having given instructions for the half-pay to be paid by his agents in England to the men's wives, whose addresses the captain took at the time we signed articles. On the 21st of November, instant, I again called at Mr. Jones's office, in company with Mr. Francis Glassbrook, and again saw the same gentleman, who asked us if we belonged to the Florida. We told him "No; we belonged to the Georgia." He then said he had news for us, and wanted us to go back to the ship. I asked him if he could allow me half-pay, when he asked me if I was married. I told him I was not married, and he then said he could not give me half-pay. He then told me to call again at three o'clock, and I did attend at that time, when he gave me orders to be at the Havre boat on the following Monday morning, at 8 o'clock, to join the ship again, and he would pay my passage-money to Cherbourg. I went to the Havre boat, as directed, Monday morning, the 23d of November, instant, and saw Frank Barron, the yeoman of the Georgia, who introduced me to a strange clerk from Mr. Jones's office. He was a young man, about the middle height, without a beard, and whose name I have been informed and believe is John Welding. The clerk then said to me that he did not think I was coming, as I was so late. I then asked him if I was to go back to the Georgia, and he said, "Yes." I then asked him to whom was I to report myself; when Barron answered that I was, of course, to report myself to one of the deck-officers when I reached Cherbourg. The clerk then asked me to sign two papers, which we thought were receipts for £3, which he gave us to pay our passage round to Havre. I signed the receipt on a bale of goods on the dock quay. The clerk then asked me to go on board the steamer, when I made an excuse that I wanted to get a glass of grog with Glassbrook before I left. The clerk objected to our leaving, but he at last consented.

(Signed) BENJAMIN CONOLLY.

Sworn at Liverpool, in the county of Lancaster, the 24th day of November, 1863, before me,

(Signed) J. PEARSON,
A Commissioner to administer Oaths in Chancery in England.

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[436] *[Inclosure 6 in No. 31.]

Deposition of Catherine Stanley.

I, Catherine Stanley, of No. 26 Court, Ovid street, Vauxhall road, Liverpool, in the county of Lancaster, wife of John Stanley, of the same place, cooper, make oath and say as follows:

I called at Mr. Jones's office about the 12th of April last, as directed by my husband, for the balance of his advance note, when I saw a gentleman with a moustache, who paid me the money. My husband had previously taken me to Jones's office and informed this gentleman I was his wife. About the 9th of April last I received a letter from my husband, then cooper of the steamer Georgia, which letter is hereunto annexed, marked A, informing me that he had shipped in that vessel for three years, and that he had sent £10 for me by Mr. Jones, and desiring me to call upon him and receive it, and make arrangements about the half-pay. I went to Mr. Jones's office the day I received the letter, and saw an elderly gentleman, with a reddish face, whom I have since been informed was Mr. Jones. He asked me what I was going to do with all that money; that it was quite unexpected for me to get it, and told me that if my husband stopped with the ship until the end of three years I should be independent. He then said that he had not sufficient money in the office to pay me then, and told me to call the next day. Mr. Jones also told me that I should get half-pay. I called the next day, and saw a tall gentleman with a moustache, who paid me the £10, and I signed a receipt for it. The gentleman then told me to call on the 13th of June for half-pay. I did call on the 13th of June, and saw the same gentleman, who paid me the money himself. I have called at Jones's office regularly every month up to the 13th of October last, and have been paid the half-pay; the same gentleman sometimes paid it to me, and sometimes the boy paid it. I called on the 14th November, instant, as usual for the half-pay, when I saw the same gentleman, who told me he had no orders yet to pay me. He said that he had sent a telegraphic message about the matter, and he had no reply yet. He told me to call next day, which I did, but did not get any money, and I called daily up to the 18th November, instant, on which day the boy paid me the money.

(Signed) CATHERINE STANLEY.

Sworn at Liverpool, in the county of Lancaster, this 26th day of November, 1863, before me,

(Signed) J. PEARSON,
A Commissioner to administer Oaths in Chancery in England.

[Inclosure 7 in No. 31.]

A.

April 7, 1863.

Dear Wife: I write this from a by-port in France, where we are taking in stores, and I am going in the ship, and I am sending you £10 to Jones's office, and I want you to go and receive it when you get this, and half-pay, £2 10*s*. I have shipped for three years, and you must not think the time long. God bless you and the little children, and give them a kiss for me. Good night, and God bless you. Give my love to my sister and all inquiring friends. No more at present; from your affectionate husband,

(Signed) JOHN STANLEY.

This is the letter marked A, referred to in the annexed affidavit of Catherine Stanley.

Sworn before me this 26th November, 1863.

(Signed) J. PEARSON,

A Commissioner to administer Oaths in Chancery in England.

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* [Inclosure 8 in No. 31.]

Deposition of Cecilia Glassbrook.

I, Cecilia Glassbrook, of 53 Upper Hill street, Liverpool, in the county of Lancaster, wife of Francis Glassbrook, of the same place, able seaman, make oath and say as follows:

About the 10th April last I received a note from my husband, Francis Glassbrook, then a seaman on board the steamer Georgia, which letter is hereunto annexed, marked A, desiring me to call at Mr. Jones's office, 28 Chapel street, Liverpool, and receive from him £10, and to make arrangement for receiving my husband's half-pay. On the 13th April the wife of a seaman on board the Georgia, who had been to Mr. Jones's office for her money, called upon me and told me to call at Mr. Jones's office, which I did the same day, and received the £10 from a tall gentleman with a black moustache and an imperial. The same gentleman then told me to call in two months from that day to receive my husband's half-pay. I asked the gentleman whether he could not give me a half-pay note, when he replied, "No; you won't want a note when you receive the money here." I called at Mr. Jones's office on the 13th day of the first month after my husband sailed, for my husband's half-pay, having heard that the wife of another seaman on board the Georgia was receiving her half-pay that day, when I saw the same gentleman, who informed me that he did not think I could get it then, as they had received no news from the ship, and requested me to call on the 13th of the next month. I did accordingly call on the 13th day of the second month after my husband sailed, and again saw the same gentleman, and he directed the boy to pay me my half-pay, which he did. I then asked the same gentleman whether I could see Mr. Jones, as I had a letter to send to my husband, but he said he could send it without troubling Mr. Jones. There was an elderly gentleman with grey hair and whiskers standing close to him at this time, which I have always been led to believe was Mr. Jones. I have called regularly every month at Mr. Jones's office, and have received my husband's half-pay, the gentleman whom I saw on the first occasion having each time directed the boy to pay it to me. On the 13th day of November, instant, I called as usual at Mr. Jones's office for my husband's half-pay, when the boy informed me I could not get it that day, and must call on the following Monday. I did attend on the following Monday, between 12 and 1 o'clock, and the boy informed me that he could not pay me until he had received a reply to a telegraphic message which had been sent to London. I waited at the office until nearly 5 that evening, when the boy informed me that they closed the office at 6, and that I had better call early next day. On the following day I was taken ill and unable to go. On Saturday last my husband brought a receipt for the last half-pay, and told me that Mr. Jones would not pay it to him unless I signed the receipt, and I made my mark to such a receipt in the presence of my mother-in-law. The letter marked B, hereto annexed, I received from my husband while he was in Greenock, and the letter marked C, also hereunto annexed, I received from him while he was on board the Georgia.

(Signed) CECILIA her + mark GLASSBROOK.

Sworn at Liverpool, in the county of Lancaster, this 24th day of November, 1863, this affidavit having in my presence been previously read over to the deponent, who appeared perfectly to understand the same, and made her mark thereto in my presence.

(Signed) J. BUSHELL,

A Commissioner to administer Oaths in Chancery in England.

[Inclosure 9 in No. 31.]

A.

APRIL 7, 1863.

DEAR WIFE: I could not get a chance to write to you before. I did write one letter to you. I hope you got it. Dear Celia, I have shipped in this ship and got £10 bounty, and £4 10*s.* per month, and I have left you half-pay. When you receive this go to Jones's office and you will receive £10, and he will give you half-pay, and ask him how you are going to write to me. Dear Celia, when you get this money start in some kind of business. Give my love to father and mother, Stephen and uncle, and tell [438] them I hope I will be soon *home again. I have shipped for the war in my own name. I have not got time to say more; but good night, and God bless you.

I remain your ever-loving,
(Signed) FRANCIS GLASSBROOK.

This is the letter marked A referred to in the annexed affidavit of Cecilia Glassbrook.

Sworn before me this 24th day of November, 1863.
(Signed) J. BUSHELL.

[Inclosure 10 in No. 31.]

B.

GREENOCK, *April* 1, 1863.

DEAR WIFE: I have arrived safe on yesterday about 3 o'clock, after a good passage. We have not heard where we are going to yet, but we think we are going to Nassau, or else to meet the Alabama. I never got ashore yet, so I did not get the money, nor did I see Lizzie. I can't tell when we are going to sail. Give my love to father, mother, Stephen, and uncle.

I remain your loving husband,
(Signed) F. GLASSBROOK.

This is the letter marked B referred to in the annexed affidavit of Cecilia Glassbrook.

Sworn before me this 24th day of November, 1863.
(Signed) J. BUSHELL.

[Inclosure 11 in No. 31.]

C.

SHIP GEORGIA, *May* 14, 1863.

DEAREST CELIA: You must be very anxious to get a few lines from me, to know how I am getting on; but you can make yourself at ease, for I am very well, and could be very happy if I could hear from you, or even to know you are well and comfortable. Dearest Celia, I hope you had no trouble to get the money from Jones. You know that you was to receive £3 10*s.* in the name of Frank Rivers, and £10 in that of Francis Glassbrook, and likewise £2 5*s.* a month half-pay.

Dearest Celia, I am afraid we will not do so well as the Alabama, but we must be content. I should like to hear how the war is getting on, or when it is likely to be over. We shall be discharged as soon as it is done. You need not fret about me being taken by the Yankees, for your half-pay goes on still. Dearest Celia, I wish you to go to Jones and ask him how you are to write to me, and he will put you in the way of writing to me. I hope my father and mother, Stephen and uncle are well. I dare say my poor mother is fretting about me. Remember me to your sister Anne and her children, and I hope she has heard good news from her husband. I hope Stephen is a good boy and keeping steady. If anything should happen to him, I hope you will look to my mother as long as you have a shilling, for if you love me you are sure to be kind to my mother. I don't see as I have any more to say at present, only that we are all well, and ready to take the first Yankee ship that comes in our way. I dare say there is a great talk in England about us, but the newspapers can tell you more than I can.

I shall conclude by remaining still your ever-loving husband,
(Signed) FRANCIS GLASSBROOK.

This is the letter marked C referred to in the annexed affidavit of Cecilia Glassbrook.

Sworn before me this 24th day of November, 1863.
(Signed) JOHN BUSHELL.

[439] *[Inclosure 12 in No. 31.]

Deposition of Daniel Conolly.

I, Daniel Conolly, of 17 Temple Buildings, Liverpool, in the county of Lancaster, porter, make oath and say as follows:

About three weeks after my son, Benjamin Conolly, sailed in the steamer Japan, I received a letter through the post-office from Messrs. Jones & Co., 28 Chapel street, Liverpool, requesting me to call at their office, as my son Benjamin had sent £9 for me, and desiring me to call for the money. I called at Jones's office the day after I received the note, and saw a gentleman with a mustache, and showed him the letter, when he paid me the money, a £5 note and £4 in gold, and I signed a large sheet of paper containing the names of many persons. I signed under my son's name. I believe this paper was a list of the crew of the Japan. The note had the name Jones & Co. written on the back of it. I got the note changed in Dale street. The gentleman took the letter from me and put it on the file.

(Signed) DANIEL CONOLLY.

Sworn at Liverpool, &c., 30th November, 1863, before me,

(Signed) J. PEARSON,

A Commissioner to Administer Oaths in Chancery in England.

[Inclosure 13 in No. 31.]

Deposition of Eliza Conolly.

I, Eliza Conolly, of 17 Temple Buildings, Liverpool, in the county of Lancaster, spinster, make oath and say as follows:

On the 27th day of November instant I called at Mr. Jones's office, 28 Chapel street, Liverpool, to inquire whether he could tell me where I could find my brother, Benjamin Conolly, who had joined the steamer Japan, when I saw a gentleman with a mustache, and asked him if that office was Mr. Jones's, when he said it was. I then asked him whether he could tell me if my brother, Benjamin Conolly, had joined his ship any day this week, when he said he had not; and then he asked me what was my reason for inquiring, when I replied that I was his sister, and thought it very strange that he had not written to us, and I also told him that my brother had promised to leave my father half-pay. I then told him that my brother had left home between 6 and 7 o'clock on the morning of Monday last to join his ship, when the gentleman said he knew that he had, and that he had sent one of his clerks down to the Havre steamer to see him and Glassbrook on board, and that they got £3 each from his clerk, and then they both bolted. He then called an elderly gentleman, and said to him that I was inquiring for those two vagabonds who had ran away on Monday. He then asked me whether I knew Glassbrook, when I replied that I did not; and he said I had better go to Glassbrook's house and see if my brother was there. I asked for Glassbrook's address, and he began to write it down, when the elderly gentleman stopped him and said he was not to give it to me.

(Signed) ELIZA CONOLLY.

Sworn at Liverpool, in the county of Lancaster, this 30th day of November, 1863, before me,

(Signed) J. PEARSON,

A Commissioner to Administer Oaths in Chancery in England.

No. 32.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 9, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, inclosing a copy of a letter from the United States consul at Liverpool, covering a number of depositions, which, you state,

[440] all go to establish, in the clearest manner, the existence *of a regular office at Liverpool for the enlistment and payment of British subjects for the purpose of carrying on war against the Government and people of the United States. And I have the honor to state to you that these papers shall be considered by Her Majesty's government.

I am, &c.,

(Signed) RUSSELL.

No. 33.

The law-officers of the Crown to Earl Russell.

[Immediate.]

LINCOLN'S INN, *December* 12, 1863. (Received December 12.)

The law-officers advise that the parties should be prosecuted.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 9th instant, stating that he was directed by your lordship to transmit to us a letter from Mr. Adams, inclosing a copy of a letter from the United States consul, at Liverpool, covering a number of depositions, all going, as Mr. Adams states, to establish in the clearest manner the existence of a regular office at Liverpool for the enlistment and payment of British subjects, for the purpose of carrying on war against the Government and people of the United States; and to request that we would take these papers into our consideration and report to your lordship our opinion thereupon.

In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report:

That the depositions transmitted by Mr. Adams disclose a systematic violation of the foreign enlistment act, which, in our opinion, calls for decisive measures on the part of Her Majesty's government.

We think that a strong case is established (if unanswered) against two at least of the partners of the firm of Jones & Co., viz, W. Jones and M. Hyatt, and against one of their clerks, named Wilding.

We do not collect clearly from the depositions whether Mr. Bold, the other partner, is identified as taking part in any of the transactions spoken to, nor whether a case can be made out against another clerk, who is referred to, but not by name.

We advise, that charges be preferred before a justice, in the manner prescribed by the fourth section of the foreign enlistment act, against Jones, Hyatt, and Wilding, for engaging or endeavoring to engage to enlist, &c., or to go, or agree to go, or embark, &c., for the purpose or with intent to be enlisted, &c., Stanley, Conolly, and Glassbrook, in violation of the second section of the act. We think it advisable that a charge should also be preferred against them of a conspiracy to violate that section of the act. Under this charge, anything said or done by any of them in pursuance of a common criminal design will be admissible in evidence, and the mode of proof may be facilitated. These observations apply also to Bold, and the other clerk, if proof can be obtained against them.

We understand that Barrett, who is described as the ship's yeoman, is still on board her.

We have to observe, that the facts disclosed in the depositions furnish additional grounds to those already existing for strong remonstrance to the confederate government, on account of the systematic violation of our neutrality by their agents in this country.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 34.

Consul Hamond to Earl Granville.

CHERBOURG, *October* 10, 1871. (Received October 12.)

MY LORD: In conformity with your lordship's instructions in your dispatch of the 28th ultimo, I have the honor to transmit [441] herewith a report of the proceedings of the *Georgia at this port. At Brest.

I have annexed to it extracts from the newspapers, and I have collected all the information which I could obtain upon the subject.

I have, &c.,
(Signed) HORACE HAMOND.

[Inclosure 1 in No. 34.]

Report by Consul Hamond as to the movements of the Georgia at Cherbourg in October, 1863.

The confederate cruiser Georgia, reported to be of 800 tons and 200 horse-power, with 5 guns, under the command of Captain Maury, arrived in Cherbourg Roads on the 28th of October, 1863, from Teneriffe. After being anchored a short time in the roads, date uncertain, this vessel went into the dock-yard for repairs, which she was still undergoing on the 21st of November; but on the 2d of December she had again come into the roads, being reported as one of the ships of war which stood the furious gale of that day.

The confederate cruiser was admitted into the dock-yard as a "ship of war," by order of the minister of marine; and her repairs were made by the dock-yard workmen, in one of the docks of the Napoleon III basin, and were paid by her commander, Captain Maury, at the usual rate of man-of-war's work, instead of being charged 25 per cent. extra, which is the charge on ships other than men-of-war.

The repairs were inconsiderable, the total amount paid for them, including materials and work, being only 3,141 francs 78 centimes, little more than £125 sterling.

Neither stores nor coals were supplied by the dock-yard.

The Georgia left the roads on the 16th of February, 1864, under the command of Captain Evans; her late commander, Captain Maury, being prevented by the state of his health from continuing the command. What course the Georgia took after leaving the French coast seems to be quite unknown at this port.

(Signed) HORACE HAMOND.
CHERBOURG, *October* 10, 1871.

[Inclosure 2 in No. 34.]

Extracts from the "Phare de la Manche."

OCTOBER 29, 1863.

La corvette de guerre Américaine confédérée la Georgia, Commandant Maury, a mouillé sur notre rade hier, 28 Octobre, à midi, venant de Ténériffe, d'où elle est partie le 18 de ce mois. Ce batiment de 800 tonneaux de jauge et de la force nominale de 200 chevaux-vapeur, a 100 hommes d'équipage, et porte 5 canons.

La Georgia va de ravitailler à Cherbourg, et y prendre du combustible.

NOVEMBER 21, 1863.

La corvette Américaine Georgia est dans une forme de radoub du basin Napoleon III, ou l'on visite sa coque.

DECEMBER 10, 1863.

Georgia reported among the ships of war that weathered the storm in the roads on the 2d of December, 1863.

FEBRUARY 13, 1864.

Le steamer de guerre confédérée Georgia, Captain Maury, qui était à Cherbourg depuis près de quatre mois, est partie de notre rade cette nuit à midi.

442] *No. 35.

Acting Consul De Gernon to Earl Granville.

[Extract.]

BORDEAUX, *November* 13, 1871. (Received November 15.)

At Bordeaux.

The vessel arrived at Pauillac, the boarding station of this port, on the 25th of March, 1864, and was reported as in want of repairs for her steam-machinery, and of provisions. She was allowed to keep her gunpowder on board, on condition of mooring at Lormont, an anchorage a little distance below Bordeaux.

Her machinery having been surveyed, and certified to require a fortnight for its repair, she was given that time to remain at Lormont. She remained at anchor, however, until the 28th of April, notwithstanding the orders of the authorities to the commander to go to sea previously.

She was supplied with coals and provisions, and is stated to have sailed in a complete state of repair. The authorization of the commissary of marine was required before any goods were allowed to be put on board.

No. 36.

Consul Sir A. Perrier to Earl Russell.

BREST, *January* 5, 1864. (Received January 9.)

English seamen shipped on board at Brest.

MY LORD: I have the honor to inclose a copy of a dispatch which I have this day written to his excellency Earl Cowley, on the subject of British seamen embarking on board of the confederate corvette Florida.

I have, &c.,
(Signed) ANTHY. PERRIER.

[Inclosure 1 in No. 36.]

Consul Sir A. Perrier to Earl Cowley.

BREST, *January* 5, 1864.

MY LORD: I have the honor to report to your excellency that the American vice-consul, resident at this port, called upon me yesterday, to communicate a letter from his consul at Havre, directing him to use his exertions with the French authorities to prevent some English seamen, now on their way from Havre to Cherbourg and Brest, from shipping on board of the confederate ship of war Florida, and also desiring him to engage the British consul at Brest, to whom the British consul at Havre had telegraphed on the subject, to concur in this object.

I had received that morning a letter from Consul Featherstonhaugh, a copy of which is inclosed.

I replied to the American vice-consul that, not having received any instructions on this subject from your excellency, I would not interfere; but if any British subjects about to embark, either on board of Federal or confederate ships, should come in my way (which is not probable, passports being no longer required for British subjects to travel in France,) I should not fail to warn them of the penalties they would incur by entering a foreign service without permission from Her Majesty's government.

I have, &c.,
(Signed) ANTHY. PERRIER.

[Inclosure 2 in No. 36.]

Consul Featherstonhaugh to Consul Sir A. Perrier.

HAVRE, *January* 1, 1864.

MY DEAR SIR: Twenty seamen, some of them royal naval reserves, have arrived here from Liverpool, and embarked immediately in the Caen steamer, intending to take the rail there, some for Cherbourg, some for Brest, to join the Florida and Georgia, confederate war steamers, at those ports. I have written to Consul Hamond, [443] and have *suggested to him to convene these men, and read the Queen's proclamation, 13th May, 1861, to them, of which, perhaps, they are ignorant.

As he may not be able to do anything to prevent them joining, I have written to Lord Cowley, who, perhaps, will be able to strengthen his hand.

Yours, &c.,
(Signed) G. W. FEATHERSTONHAUGH.

P. S.—A naval reserve seaman, named Charles Maltman, is the Liverpool confederate agent, and accompanies these men. Some of them are named as follows: Edward Richardson, Robert Broadway, Edward Smite, William Smith, Patrick Schenler, John Folke, R. N. R., George King, R. N. R., — Fischer, — Lloyd.

G. W. F.

No. 37.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, *January* 11, 1864. (Received January 12.)

Further evidence submitted by Mr. Adams.

MY LORD: I have the honor to submit to your consideration the copies of a letter from Mr. Dudley, consul of the United States at Liverpool, and of the depositions of Thomas Matthews, going most clearly to establish the proof of the agency of Messrs. Jones & Co. in enlisting and paying British subjects in this kingdom to carry on war against the United States.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 37.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, January 9, 1864.

Enlistment at Liverpool of seamen for Georgia.

SIR: Referring to dispatches from myself to you, one dated December 1, 1863, and the other on the 6th instant, and the connection of Jones & Co., of 28 Chapel street, Liverpool, in fitting out the pirate Georgia, and enlisting men in Liverpool for this vessel, I have now to inform you that this same firm, in connection with one Charles Maltman, of Eustace street, in Liverpool, an Englishman belonging to the naval reserve, on the 20th December last enlisted in Liverpool for the said steamer Georgia, now at Cherbourg, and the steamer Florida, now at Brest, some twenty-one British seamen, and on the same day conveyed them from Liverpool in a steamer bound for Havre. I inclose you a copy of Thomas Matthews's affidavit, one of the men that shipped and went to Havre, establishing the above facts. You will see that two of the men so shipped, named George King and Thomas Smith, belong to the naval reserve. The affidavit also discloses the facts that the firm of Jones & Co. paid half the wages earned by the witness while on board of the Georgia to his wife here in Liverpool, the last payment of which was made to her on the 13th of December last, while her husband was at his home in Liverpool; and that they have been boarding the men from this vessel, or at least one of them, here in Liverpool since the ship has been at Cherbourg.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 37.]

Affidavit of Thomas Matthews.

I, Thomas Matthews, of 37 Gloucester street, Liverpool, painter, make oath and say: In the month of March, 1863, I was lodging with Mr. Charles Maltman, of Eustace street, Liverpool, and was informed by him that there was a chance for me to go to China in the Japan for a two years' voyage. I understood that the vessel was not going to China, although she would be entered out for that place. He also told me that there was a good chance for me to make plenty of money. I agreed to go in her, and [444] *Mr. Maltman and myself left Liverpool for Greenock, where the Japan was lying, about the 28th or 29th of March last. I signed articles for two years, at £4 10*s.* a month, and joined the Japan on the 1st of April. We left Greenock on the 2d April, and after we had been at sea about eight or nine days, we fell in with a small steamer called the Alar, which followed us to Ushant Bay, where we took in arms and ammunition from her. Mr. Jones, of Chapel street, Liverpool, came on board the Japan from the Alar, with several men who agreed to join us. We signed articles again to serve in the Japan in the confederate service, and were each paid £10 bounty upon signing articles. Mr. Jones brought the bounty-money with him, which was paid to us by Mr. Curtis, the purser. I asked Mr. Jones if I could leave half-pay for my wife, when he said I could, and that he would arrange that when he arrived home. Mr. Maltman, who is a naval reserve man, also joined the Japan as boatswain. After we had signed articles, I was ordered to paint over the name of Japan, and the vessel was then called the Georgia. Mr. Jones returned in the small steamer, and we then commenced our cruise, during which we captured and destroyed several United States vessels, and ransomed several others. We returned to Cherbourg in France for repairs, and about the 6th or 7th of December last I got leave of absence for eight days, and was paid £1 5*s.* Before leaving I asked the purser to whom was I to apply in Liverpool for money to pay my passage back to Havre, when he directed me to call at Mr. Jones's office, Chapel street, Liverpool, for the money, and that he would write to Mr. Jones to that effect. At the expiration of the term of my leave of absence I called at Jones's office, where I saw Mr. Maltman, the boatswain. I saw one of the clerks in Jones's office, who told me that they had received a letter for my passage-money to be paid to Havre, and that Mr. Jones and Mr. Hyatt were both from home, and that I must call again in a day or two. I called several times without being able to see either Mr. Jones or Mr. Hyatt, until Saturday, the 27th December last, when I called and saw both Mr. Jones and Mr. Hyatt. Mr. Hyatt asked me what I wanted. I told him that I had come to join the ship; he said what ship? I told him the confederate steamer Georgia, now lying at Cherbourg. He then asked me what was my name, and upon my telling him, he said they had a letter directing them to pay my fare round to Havre, and he read the letter over to me; in substance the purport of the letter was that they should pay my fare round to Cherbourg, but were not to give me any money. While

the letter was being read over to me, Robert Broadway, one of the Georgia's crew, was in their office, along with Mr. Thompson, of Pitt street, Liverpool, publican and boarding-house keeper. Mr. Jones then told me that he was supposed to know nothing about either me or the ship, so that I knew how to act, and that there were people in the town ready to pick up any information about us. Mr. Hyatt then told me to be at the Havre steamer on the following Monday morning at 11 o'clock, and that either he himself or some one else would be there to pay my fare and see me off. I went to the Havre steamer, as directed, on the Monday morning, and there saw Mr. Maltman, the boatswain. I had a friend with me who had come to see me off, when Mr. Matthew called me aside and asked me if he was not a detective. I told him he was not, when he said, "All right, I must take care what I am doing." I then asked Mr. Maltman whether he was going to pay my passage round to Cherbourg, when he said, "Yes, I am going round to the ship with you myself." I then went on board the steamer with him, and he arranged about my passage-money, and we left Liverpool the same day for Havre. When I got on board I saw Robert Broadway, and about nineteen or twenty other men. All these men were in Mr. Maltman's charge, but part of them were brought down by Mr. Edward Campbell, of Regent street, boarding-house keeper. Mr. Maltman paid their fares to Havre. Mr. Maltman told me that part of these men were for the confederate steamer Florida, and part for the Georgia. We arrived in Havre on the 31st December, where I left the party, but the rest proceeded to the Albion hotel there, and staid the night, and on the 1st January instant started for Cherbourg. I left Havre on the 4th January, and arrived in Liverpool on the 7th. During my last visit to Jones's office while Broadway and Thompson were there, Thompson said to Mr. Hyatt, "This man [meaning Broadway] owes me £1 12*s.* for two weeks' board." Hyatt asked if this was right, when Broadway said "Yes." Hyatt then said to one of the clerks, "Pay this man £1 12*s.* and take a receipt." He then said, "No, we will not pay him it now; make out a bill and bring it on Monday after the man has gone to sea, and we will then pay it." My wife has called regularly every month, while I was serving on the Georgia, at Jones's office, and received my half-pay there, and she received the last payment on the 13th December last (£2 10*s.*) while I was at home. Two of the men who went round with us to Havre, named George King and Thomas Smith, were naval reserve men, belonging to the Eagle, now lying at Liverpool. On
[445] the 4th or 5th November last, *while we were lying at Cherbourg, I asked Captain
Maury for some money, when he said he would write to the agents in Liverpool to pay my wife £10, and I wrote to my wife to call at Jones's office for it, which she did, and Mr. Hyatt paid her the money.

(Signed) THOMAS MATTHEWS.

Sworn at Liverpool, in the county of Lancaster, this 9th day of January, 1864, before me,

(Signed) JNO. BUSHELL,
A Commissioner to Administer Oaths in Chancery in England.

No. 38.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *January* 18, 1864. (Received January 19.)

Proceedings will be taken against parties concerned.

SIR: I have laid before Secretary Sir George Grey your letter of the 13th instant, inclosing copies of a letter from the American minister at this court, and of further depositions respecting the engagement at Liverpool of seamen for the service of the so-styled Confederate States; and I am to acquaint you, for the information of Earl Russell, that the solicitor to the treasury has been instructed to proceed against all parties concerned, in the same manner in which proceedings have been taken against persons in other similar cases, upon which the law-officers of the Crown have already advised.

I am, &c.,
(Signed) H. WADDINGTON.

No. 39.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 21, 1864. (Received January 22.)

SIR: With reference to your letters of the 11th and 13th instant, on the subject of certain men of the naval reserve who were reported to have gone over to Cherbourg, and joined a vessel of the Confederate States, I am commanded by my lords commissioners of the admiralty to send you, for the information of Earl Russell, copy of a report from the commander of the naval-reserve ship Eagle at Liverpool, confirming, to a great extent, the statements made respecting the men in question, and to acquaint you that their lordships are of opinion that the men who are absent without leave should be discharged from the naval reserve.

Inquiries by admiralty.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 39.]

Commander Whyte to the secretary to the admiralty.

EAGLE, *Liverpool, January* 19, 1864.

SIR: I have the honor to acknowledge the receipt of your memorandum of the 13th instant, directing me to trace, as far as possible, eleven royal naval-reserve seamen, supposed to have proceeded to France from this port to join confederate vessels; and in reply I have the honor to inform you that in prosecuting this inquiry I accidentally fell in with the royal naval-reserve seamen John Maltman, (stated as Charles Maltman in your memorandum,) under whose charge these men are represented to have gone to France, and from him I elicited the following particulars:

That on or about the 2d instant he took charge of volunteer men from Liverpool to Havre to join a crew for a vessel, but he assumes ignorance of the vessel's name and nationality. Among the number were two men named Broadway and Folke, but the latter returned again from Havre; the other fifteen men he believes were under false names, but that he knew nothing about them.

[446] It is asserted by the superintendent of the Sailors' Home at this port, that George * King has gone to join some confederate vessel, and that such has been reported to the board of trade.

I take this opportunity of reporting that the following royal naval-reserve seamen, who completed their period of drill on the dates under-mentioned, (among whom George King's name appears,) have disappeared from this neighborhood, leaving their books and residue of wages on board the Eagle, and which they could have received by completing two hours' drill. This fact, and the complete ignorance assumed by the people with whom they were lodging, leads me to believe that they have formed a portion of the crew that have proceeded to Havre:

7,467. George King, D, 28th December, 1863.
13,809. James Hanton, D, 3d January, 1864.
17,324. Thomas Smith, D, 3d January, 1865.

I have, &c.,
(Signed) JOHN WM. WHYTE.

No. 40.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 22, 1864. (Received January 23.)

SIR: With reference to my letter of yesterday, on the subject of the naval-reserve men who were supposed to have gone over to Cherbourg and Brest, and joined a confederate vessel, I am commanded by my lords commissioners of the admiralty to send you, for the information of Earl Russell, a copy of a letter from the captain of the Majestic, at Liverpool, reporting his discoveries in the matter, from which it will be seen that the man Maltby, who has now returned to Liverpool, has admitted that he took seventeen men over to Havre, but that he denies having entered them for anything more than an ordinary commercial voyage.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 40.]

Captain Inglefield to the comptroller general of the coast-guard.

MAJESTIC, *Rock Ferry, January* 19, 1864.

SIR: Referring to your memorandums of the 8th and 13th instant, and to my reply of the 15th instant, I have now the honor to report that I am informed Charles Maltman, represented as being an agent of the confederate government, went voluntarily on board the Eagle, both yesterday and to-day, on being made aware that inquiries had been made after him, and admitted that he had been across to Havre in a merchant-ship with seventeen men whom he had been instrumental in shipping.

2. He has left those men at Havre, without being aware of their ultimate destination or intention.

3. He states that he entered them merely for an ordinary commercial voyage, and denies that they were engaged for the confederate government.

4. One of the other men, named in your memorandum Robert Mondway, or Broadway, is, it is believed by Charles Maltman, to be on board the Florida, at Brest.

5. Charles Maltman is now lodging at 31 Warren street, Liverpool, or at a seaman's boarding-house in Islington, Liverpool.

6. John Folke, another man referred to, is represented as being at the coast-guard office, at Folkestone.

I have, &c.,
(Signed) W. C. INGLEFIELD.

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[447] *No. 41.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *January* 23, 1864.

Naval-reserve men to be discharged.

SIR: I have laid before Earl Russell your letter of the 21st instant, inclosing a copy of a report from the commander of the naval-reserve ship Eagle, relative to certain men of the naval reserve who are reported to have joined a confederate ship of war at Cherbourg, and, with reference to the opinion expressed in your letter, I am to request that you will state to the lords commissioners of the admiralty that Lord Russell concludes that, as a matter of course, these men will be discharged from the naval reserve.

I am, &c.,
(Signed) E. HAMMOND.

No. 42.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 25, 1864. (Received January 26.)

SIR: With reference to your letter of the 23d instant, respecting the naval-reserve men who are reported to have joined a confederate ship of war, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that they have ordered the four men mentioned in the letter of the commander of the Eagle, viz, Charles Maltman, (who acted as agent,) George King, James Hanlon, Thomas Smith, to be discharged from the force.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 43.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 28, 1864. (Received May 28.)

MY LORD: I have the honor to transmit the copy of another deposition, in addition to those heretofore submitted to your consideration, and corroborating the statements made in them. Were it necessary to furnish more proof of the same kind, I have reason to believe that a considerable number of others could be procured. I have not been disposed to burden your lordship with more proof than is deemed necessary to establish the facts to the complete satisfaction of Her Majesty's government.

I doubt not that it must be obvious to your lordship that, if this system of practical warfare be suffered to go on with perfect impunity to all those concerned in it within this kingdom, it will be utterly impossible for the Government of the United States to endeavor to place restrictions upon similar practices in America, should any future contingency arise in which Her Majesty's government would deem it advisable to renew the representations once made on the 21st April, in the year 1854, which were at that time met in the most friendly spirit. In order to secure the performance of obligations between nations, the first point would appear to be to establish an impression of moral certainty that they are actually reciprocal. I regret to feel myself compelled to admit the fact to your lordship, that in view of all the testimony which I have had the honor to submit, that impression on the side of the people of the United States has been seriously impaired.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[448] *[Inclosure in No. 43.]

Affidavit of Patrick Shanly.

I, Patrick Shanly, of 13 Carlton street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows:

About the 24th of December last a friend of mine met me in the street and informed me that there was a good chance for me to join the steamer Georgia; that she was a pirate, and I would be paid very good wages. He then asked me to go with him to Mr. Campbell's, boarding-house keeper, Regent street, Liverpool. I went with him to Mr. Campbell's house, and Campbell told me that he had a good job for me to go to; that I should have £7 a month, and £10 bounty, and one month's advance when I joined the ship; that he did not know then which of the steamers I would be required to join, but he thought it was the Florida. He gave me instructions to endeavor to engage other hands; that I was to offer them £5 a month and £10 bounty. I called upon Thomas Lloyd, Edward Smyles, Thomas Asham, John Adamson, and several others, and informed them of Mr. Campbell's offer, when they all agreed to go with me, and I took them down to Campbell's house. Campbell engaged the whole of these men upon the same terms as myself, except as to wages, he only agreeing to get them £6 a month. He gave us instructions to meet him under the arches at the custom-house on the 27th, and we all attended there, but Campbell did not keep his appointment with us, and I called upon him to know the reason, when he directed me to bring my clothes down to his house, and hold myself in readiness to start at a minute's notice. I brought my clothes down to Campbell's house the same night, and bought some clothes from him, and he then told me that we should have to start the next day, and told me to meet him and the other men at Anderson's public house. I called at his house the next day, and saw Mrs. Campbell, who produced a paper containing the names of the men who had agreed to join, and an account showing that I was indebted to Campbell in £3 10*s.* 6*d.*, £2 0*s.* 6*d.* for the clothes I had bought, and £1 10*s.* which I had to pay Campbell for getting me the job. I went from Campbell's house to Anderson's public house, where I saw all the other men, and Campbell, who paid for drink for us, and afterward took us down to the Havre boat, lying in the Wellington Dock, and he paid our fares to Havre, he coming with us. We arrived on the 31st December, and were taken by Campbell on board another steamer, and afterward to a railway station, and Campbell paid our fares to Cherbourg, where we arrived the same night. Campbell took us to a hotel there, and we staid the whole of that night and part of the next day. On the evening of the next day Campbell took us in a boat on board the confederate steamer Georgia, which was lying off. They gave each of us a blanket, and we slept on board her all night. We remained on board the Georgia about four or five weeks before we were called upon to sign articles, when we were all called aft and the articles were read over to us, to the effect that we were going to burn and destroy vessels of the United States. Myself, Lloyd, Smyles, Asham, and Adamson signed articles, and Captain Maury asked us if Campbell's accounts were correct, when we told him they were, and we received our bounty-money, less the amount payable to Campbell. Five of the men engaged were not required, and they left the ship. We left Cherbourg about the first week in February, and proceeded to the island of Barbara, where we lay about three weeks. From there we went to Bordeaux, and from there to Liverpool, where we arrived on the 2d May, instant, and we steamed into the Birkenhead great float, on the Cheshire side of the Mersey. After we had made the ship fast, the captain told us to come down to the ship in a day or two, when we would be paid off. I was paid off about the 5th or 6th. The first lieutenant asked me to stand by the ship and assist to keep the engines in order, which I did not do, being tired of the service. I called at Campbell's house on the 13th May, when he engaged me to join another steamer, and he gave me directions to look after some other men to join the same boat, which he said was going out for the same purpose. I called upon John Fleming, and told him to go to Campbell's house, and he would most likely get a job. I told Fleming to try and get other men, and he told Maurice Breen and Bernard Cassidy, and they were engaged by Campbell. I took my bag down to Campbell's house on the Sunday arranged for our leaving, the 15th instant, but I afterward changed my mind and declined going again.

(Signed) P. SHANLY.

Sworn at Liverpool aforesaid, this 25th day of May, 1864, before me,
(Signed) HENRY C. DUMULL,
A Commissioner to administer Oaths in the Court of Chancery in England.

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[449] *No. 44.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *June* 16, 1864. (Received June 17.)

SIR: I am directed by Secretary Sir George Grey to acquaint you, for the information of Earl Russell, that the documents which accompanied your letter of the 1st instant, relative to the enlistment of British subjects at Liverpool for the service of the so-styled Confederate States, have been laid before the law-officers of the Crown; and that, in conformity with their opinion, the solicitor of the treasury has been instructed to commence a prosecution against Campbell, of Liverpool.

I am, &c.,
(Signed) H. WADDINGTON.

No. 45.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *August* 16, 1864. (Received August 17.)

SIR: With reference to my letter of the 16th June last, I am directed by Secretary Sir George Grey to acquaint you, for the information of Earl Russell, that an indictment was preferred against Campbell at the present assizes at Liverpool for offenses against the foreign-enlistment act, to which he pleaded guilty, and was thereupon discharged by the lord chief justice, after entering into his own recognizances of £150 to appear when called upon.

I am, &c.,
(Signed) H. WADDINGTON.

No. 46.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *August* 18, 1864. (Received August 19.)

SIR: With reference to the correspondence on the same subject, I am directed by Secretary Sir George Grey to acquaint you, for the information of Earl Russell, that an indictment was preferred against John Jones and Robert Highat at the last spring assizes at Liverpool for offenses against the foreign-enlistment act, which was removed by *certiorari* into the court of Queen's Bench, and the case came on for trial on the 13th instant before the lord chief justice and a special jury at the present assizes at Liverpool, and both the defendants were convicted; but certain points of law were reserved by the chief justice for argument next term.[1]

I am, &c.,
(Signed) H. WADDINGTON.

No. 47.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *May* 2, 1864. (Received May 2.)

Return of Georgia to Liverpool.

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copies of a letter and accompanying telegram, which my lords have just received from the commissioners of customs, reporting the arrival of the confederate man-of-war steamer Georgia at the port of Liverpool; and I am to request to be informed of any directions that Earl Russell may desire should be given with reference to this vessel.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] They were subsequently sentenced to a fine of £50 each.

[450] *[Inclosure in No. 47.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *May* 2, 1864.

SIR: I am desired to acquaint you, for the information of the lords commissioners of Her Majesty's treasury, and for any directions their lordships may be pleased to give, that the board have this morning received a telegram from their collector at Liverpool, of which the following is a copy:

At Liverpool

"The confederate man-of-war Georgia, steamer, has just arrived. Crew, sixty men and five guns. Any directions?"

I am, &c.,
(Signed) F. G. GARDNER.

No. 48.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *May* 3, 1864.

SIR: I have laid before Earl Russell your letter of the 2d instant, inclosing a copy of a report from the commissioners of customs respecting the arrival of the confederate man-of-war Georgia at Liverpool, and requesting to be informed of any directions which his lordship may desire should be given with reference to that vessel; I am, in reply, to request that you will suggest to the lords commissioners of Her Majesty's treasury that the board of customs should be instructed to apply strictly to the Georgia the regulations of the 31st January, 1862, and to take every precaution to prevent any collision within British waters between that vessel and the United States ship Kearsarge, which is reported to have arrived in Dover Roads yesterday.

Regulations to be enforced, and collision with Kearsarge prevented.

I am, &c.,
(Signed) A. H. LAYARD.

No. 49.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *May* 3, 1864. (Received May 3.)

SIR: With reference to the letter from this board of yesterday's date, respecting the arrival at Liverpool of the confederate steamer Georgia, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter from the commissioners of customs of this day's date, and of its inclosure, respecting this vessel.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 49.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *May* 3, 1864.

SIR: With reference to my letter of yesterday's date, I am desired to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copy of a report which the collector at Liverpool has forwarded to

[451] *the board, from Mr. Morgan, one of the surveyors at that port, relative to the confederate steamer Georgia.

I have, &c.,

(Signed) F. G. GARDNER.

[Inclosure 2 in No. 49.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *May* 2, 1864.

Report from customs. Intention to dismantle the vessel.

SIR: I have the honor to report the arrival, at 4 a. m. to-day, of the steamer Georgia, which vessel now lies at anchor abreast of the entrance to the Birkenhead docks, with the pendant and flag flying of the confederate navy.

On my visiting the vessel I found her fully equipped for warlike purposes, and, in reply to my inquiry as to the object of his visit to this port, her commander, Captain Evans, informed me the intention was to dismantle and lay her up in the great float at Birkenhead.

I am of opinion that his statement is to be relied on. I will not fail, however, to watch the movements on board, and report any occurrence worthy of notice.

(Signed) E. MORGAN, *Surveyor*.

No. 50.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 9, 1864. (Received May 9.)

Representation from Mr. Adams.

MY LORD: Information has been received at this legation of the arrival at Liverpool, in the night of the 1st May, of the steamer formerly known as the Japan. This is the same vessel which, while registered and held in the name of Thomas Bold, a British subject, residing at Liverpool, was armed and equipped from this kingdom, and proceeded to depredate upon the commerce of the United States by burning and destroying several merchant-ships. I had the honor to call your lordship's attention to this subject in my note of the 7th July, 1863.

It now appears that this vessel, having assumed the name of the Georgia, and the character of an armed ship of the insurgents in the United States, has returned to Great Britain, at Liverpool. In what character she has been received I have not yet been informed. I learn that she is about to remain for an indefinite period, the men having been discharged. I scarcely need to suggest to your lordship that it has become a matter of interest to my Government to learn whether this vessel assumes the right to remain in virtue of her former character, or, if received in her later one, why she is permitted to overstay the period of time specified by the terms of Her Majesty's proclamation. As she appears to have come directly from a port on the coast of France, the apparent intention to lay up would seem to be the more extraordinary.

I cannot but infer, from the course previously adopted toward the armed vessels of the United States, that any such proceeding, if taken by one of them, would have been attended with an early request from your lordship to myself for an explanation. As some time has now elapsed since the arrival of this vessel, without the appearance of the smallest interruption of her operations, I have felt it my duty, in advance of the possibility of receiving instructions from my Government, not to omit to make this representation on its behalf.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[452] *No. 51.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *May* 9, 1864. (Received May 9.)

Report from Captain Paynter, of Her Majesty's ship Majestic.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 7th instant, from Captain Paynter, of the Majestic, reporting the arrival of the confederate cruiser Georgia in the Mersey.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 51.]

Captain Paynter to the controller-general of the coast-guard.

MAJESTIC, *Rock Ferry, May* 7, 1864.

SIR: I beg to report that the confederate cruiser Georgia arrived in the Mersey on the 2d instant, and has since been removed into the great float at Birkenhead, having previously discharged her ammunition.

It is reported the crew are to be discharged and the vessel disposed of.

The officers were entertained at a banquet by the members of the Southern Club, at Liverpool, on Thursday last.

I have, &c.,
(Signed) J. A. PAYNTER.

No. 52.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 10, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, calling my attention to the arrival of the steamer Georgia at Liverpool, and to state to you that this matter shall be duly considered by Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 53.

Mr. Murray to the secretary to the treasury.

FOREIGN OFFICE, *May* 16, 1864.

Georgia, unless *bona fide* sold, to be ordered out of Liverpool as soon as she has received necessary repairs.

SIR: With reference to Mr. Layard's letter of the 3d instant, respecting the confederate steamer Georgia, I am directed by Earl Russell to request that you will inform the lords commissioners of Her Majesty's treasury that, in his lordship's opinion, the Georgia, unless *bona fide* sold, should be ordered out of Liverpool as soon as she has received all necessary repairs; and I am to suggest that the lords of the treasury should give directions accordingly if they should see no objection thereto.

I am, &c.,
(Signed) JAMES MURRAY.

No. 54.

Mr. Murray to Mr. Waddington.

FOREIGN OFFICE, *May* 16, 1864.

SIR: I am directed by Earl Russell to transmit to you copies of two letters which his lordship has caused to be addressed to the board of treasury, respecting the confederate steamer Georgia, which has [453] lately entered the port of Liverpool,[1] and I am to request *that you will lay the same before Secretary Sir George Grey, and move him to issue orders in conformity therewith to the authorities at Liverpool, if he should see no objection thereto.

I am, &c.,
(Signed) JAMES MURRAY.

No. 55.

Mr. Baring to Mr. Layard.

WHITEHALL, *May* 20, 1864. (Received May 21.)

SIR: I have laid before Secretary Sir George Grey Mr. Murray's letter of the 16th instant, respecting the confederate steamer Georgia, now at Liverpool; and I am to transmit to you, for the information of Earl Russell, copies of a letter which he addressed to the lords commissioners of the admiralty upon the subject, and of their lordships' reply, and to add that he has referred the question asked by them as to the authority and proceedings of their officers to the attorney and solicitor general for their opinion.

I am, &c.,
(Signed) T. G. BARING.

[Inclosure 1 in No. 55.]

Mr. Waddington to the secretary to the admiralty.

WHITEHALL, *May* 18, 1864.

SIR: I am directed by Secretary Sir George Grey to transmit to you copies of two letters which Earl Russell has caused to be addressed to the board of treasury respecting the confederate steamer Georgia, which has lately entered the port of Liverpool; and I am to request that you will lay the same before the lords commissioners of the admiralty, and move their lordships to issue orders in conformity therewith to the naval authorities at Liverpool, if they should see no objection thereto.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 2 in No. 55.]

The secretary to the admiralty to Mr. Waddington.

ADMIRALTY, *May* 19, 1864.

Instructions given to naval authorities. Question as to use of force.

SIR: In reply to your letter of the 18th instant, respecting the confederate cruiser Georgia, now at Liverpool, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Her Majesty's secretary of state for the home department, that they have given directions to the senior officers of Her Majesty's ships at Liverpool to render every assistance to the board of customs or other proper authorities when called on by them, in the event of the Georgia refusing to leave the port.

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[1] Nos. 48 and 53.

My lords would be glad to be informed under what general law they will be acting in giving such instructions to their officers, and whether their officers will be justified in proceeding to use force in case the Georgia should neglect or refuse to leave when called on by the officers of the customs or other constituted authorities of the port.

I am, &c.,
(Signed) W. G. ROMAINE.

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[454] *No. 56.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *May* 23, 1864. (Received May 24.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that Captain Paynter, of the Majestic, at Liverpool, reports that the Georgia confederate cruiser has been placed in the great float at Birkenhead; that she has been dismantled, her stores disposed of, and that the vessel herself is offered for sale.

Georgia dismantled, and to be sold as unfit for a cruiser.

Her want of speed and the unfavorable reports made by her commander of her suitability as a cruiser are given as the reasons for this step.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 57.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS, *May* 23, 1864.

SIR: With reference to previous correspondence I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the secretary to the commissioners of customs, dated 21st instant, relating to the vessel Georgia, of the Confederate States navy, now at Liverpool, together with copies of the accompanying documents.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 57.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *May* 21, 1864.

SIR: With reference to your letter of the 17th instant, signifying the desire of the lords commissioners of Her Majesty's treasury that the confederate steamer Georgia, unless *bona fide* sold, should be ordered out of Liverpool as soon as she has received all necessary repairs, I am directed to transmit, for their lordships' information, copy of a report of the collector of this revenue at Liverpool, dated 20th instant, with the letter therein referred to from Messrs. Fletcher, Hull, and Stone, in respect to the intended sale of the vessel, the statement in which letter the collector believes to be strictly correct.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 57.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, May* 20, 1864.

HONORABLE SIRS: With reference to your order of the 17th instant, on a letter from the foreign office of the 16th and from the treasury of the 17th, respecting the confederate steamer Georgia, I inclose a copy of my communication to Messrs. Fletcher, Hull & Stone, calling upon them, as the legal representatives of the Confederate States, to state how the vessel was to be disposed of.

Advertised for sale.

I now beg to transmit their reply, accompanied by a copy of the advertisement offering the vessel and her stores for sale through Messrs. Curry, Hellock & Co., shipbrokers, of Liverpool, and I have every reason to believe that the statement made by Messrs. Fletcher, Hull, and Stone is strictly correct.

Respectfully, &c.,
(Signed) S. PRICE EDWARDS.

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[455] [Inclosure 3 in No 57.]

Messrs. Fletcher, Hull & Stone to Mr. Edwards.

6 COOK STREET, *Liverpool, May* 19, 1864.

SIR: We have the honor to acknowledge the receipt of your letter of this date, requesting us to state, for the information of the commissioners of Her Majesty's customs, whether the Georgia has been sold, or still remains the property of the confederate government; if so, when she will proceed to sea.

In reply, we beg to inform you that the Georgia was brought to Liverpool by Captain Evans, her commander, on the orders of his government, with instructions to sell her. Captain Evans consulted us, and on our advice he forthwith removed all his munitions of war, put her into the Birkenhead float, paid off and discharged her crew, (with the exception of her officers,) and landed and warehoused her stores.

Prior to the receipt of your letter, the vessel had been placed for sale in the hands of a broker, who is now engaged in treating for her disposal, and her stores also had been placed in the hands of an auctioneer for the like purpose.

We inclose you copies of the advertisements. Within the last few days all her officers have quitted her, save one, who remains in order to obtain possession on behalf of the confederate government, and for the purpose of giving formal delivery of her to the purchaser.

We are, &c.,
(Signed) FLETCHER, HULL & STONE.

[Inclosure 4 in No. 57.]

Adverstisement.

For sale, the splendid screw-steamer Georgia; about 750 tons, builders' measurement, built by Messrs. Denny, of Dumbarton, 1863; has engines of 200 horse-power; speed, 12 knots; carries a large cargo; is abundantly found in stores, and ready for immediate employment.

For specification and further particulars apply to—

CURRY, KELLOCK & CO.

No. 58.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *May* 25, 1864.

SIR: With reference to your letter of the 23d instant, I am directed by Earl Russell to request that you will move the lords commissioners of Her Majesty's treasury to endeavor to ascertain whether a *bona fide* sale of the Georgia takes place, as it appears to his lordship that no implicit credence can be given to the statements of confederate agents.

I am, &c.,
(Signed) E. HAMMOND.

No. 59.

Mr. Waddington to Mr. Layard.

WHITEHALL, *May* 26, 1864. (Received May 26.)

SIR: With reference to Mr. Baring's letter of the 20th instant, I am directed by Sir George Grey to transmit to you herewith a copy of the opinion of the attorney and solicitor general in the case of the confederate cruiser Georgia, and I am to request that you lay the same before Earl Russell.

I am, &c.,
(Signed) H. WADDINGTON.

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[456] [Inclosure in No. 59.]

Opinion of the attorney and solicitor general.

Opinion of law-officers as to use of force.

If the Georgia is still (as has been hitherto assumed) a public ship of war of a belligerent power, she is, while within Her Majesty's dominions, exempt from all civil and municipal jurisdiction, and it is not, therefore, upon any civil or municipal law of this realm, that Her Majesty's government can act, if they should find it necessary to take any compulsory measures with respect to her; nor will the execution of these measures belong to the commissioners of the customs or to any other civil authority.

By the universal law of nations, and by the prerogative right of regulating the intercourse between this country and the public ships of war of a foreign government, which belongs to Her Majesty in right of her crown, it is competent for Her Majesty to prohibit the entrance of any foreign public ship of war into Her Majesty's territory, except under such conditions as she may think proper from time to time to impose; and if any such prohibition is not duly obeyed, it is, in our opinion, perfectly within the competency of Her Majesty to enforce its observance by her military or naval officers, and by the use of force, if necessary.

If the Georgia has ceased to be a public ship of war of the Confederate States, and has been sold to and become the private property of any of Her Majesty's subjects, the case is different. Under these circumstances, Her Majesty's orders would no longer be applicable to this ship, and, of course, no forcible or other means could be used for the purpose of compelling their observance in a case to which they would not apply. The Georgia, after such a sale, would be exactly in the same situation as the Gibraltar (formerly called the Sumter) was last year; she would be governed by the ordinary municipal law of this country, like any other private ship, the property of British subjects.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

LINCOLN'S INN, *May* 23, 1864.

No. 60.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
June 4, 1864. (Received June 6.)

Georgia sold to Mr. Bates.

SIR: With reference to the previous correspondence respecting the confederate steamer Georgia, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a report, dated the 4th instant, from the commissioners of customs respecting the sale of that ship to Mr. Edward Bates, of Liverpool.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 60.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *June* 4, 1864.

SIR: With reference to Mr. Arbuthnot's letter of the 25th ultimo, signifying the desire of the lords commissioners of Her Majesty's treasury that the board would report when the sale of the confederate steamer Georgia took place, and whether, in the opinion of the officers of this revenue, such sale was *bona-fide*, I am directed to acquaint you, for the information of their lordships, that the collector at Liverpool has, in a report dated 3d instant, stated that the vessel has been sold to Mr. Edward Bates, one of the largest and wealthiest ship-owners of Liverpool, and that, in his (the collector's) opinion, the sale is a *bona-fide* one.

I am, &c.,
(Signed) GEO. DICKINS.

457] *No. 61.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, *June* 7, 1864. (Received June 7.)

Mr. Adams declines to recognize the validity of the sale, and claims right of capture.

MY LORD: I have received from the consul of the United States at Liverpool information which leads me to believe that a transfer, purporting to be a sale, has been made of the steamer heretofore known as the Japan, *alias* the Georgia, by the insurgents or their agents at that port.

In such a contingency, I must pray your lordship's pardon if I take the liberty to renew, in this case, the observation which I had the honor to submit in my note of the 14th March of last year on the case of the steamer Sumter, *alias* the Gibraltar. On behalf of my Government, I feel it my duty, in consonance with the practice heretofore adopted by Great Britain, to decline to recognize the validity of the sale of this armed vessel, heretofore engaged in carrying on war against the people of the United States, in a neutral port, and to claim the right of seizing it whenever it may be found on the high seas.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 62.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 8, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, relative to the sale of the steamer Georgia at Liverpool.

I am, &c.,
(Signed) RUSSELL.

No. 63.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *June* 9, 1864.

Opinion of law-officers as to sale of Georgia.

Inquiry to be made.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that he referred to the law-officers to the Crown the correspondence which had passed between the two offices up to the 25th of May last on the subject of the Georgia, but that he only yesterday received their report, the substance of which, although the state of things has been changed by the sale of the vessel subsequently to the date of your letter of the 23d of May, he thinks it nevertheless desirable to make known to their lordships.

The law-officers there say that, on considering the papers referred to them, they think that it will not be incumbent on Her Majesty's government to take any further steps at present with respect to this vessel. It appears to them that the evidence credibly shows that she has been dismantled, and her crew paid off with a *bona-fide* view to the abandonment of her warlike character; and that she has been offered *bona fide* for sale, for the purpose of being converted into a mercantile vessel. At the same time, the law-officers consider that notice should be given to the owner that Her Majesty's government understand that the belligerent character of the vessel has altogether ceased, and, therefore, that the owner must not consider that she will be permitted to leave Her Majesty's ports in that character.

You inclose, in your letter of the 4th instant, a copy of a report from the commissioners of customs, stating that the collector of the customs at Liverpool had made known to the board of customs that the Georgia had been sold to Mr. Edward Bates, one of the largest and wealthiest ship-owners of Liverpool, and that, in the collector's opinion, the sale was a *bona-fide* one.

Lord Russell has, however, received from Mr. Adams the letter, of which I inclose a copy, stating that the information which he had received from the United States consul at Liverpool led him to believe that the transaction was not a sale, but merely a transfer of the vessel.

[458] *I am to request, under these circumstances, that you will move the lords commissioners of Her Majesty's treasury to send down to Liverpool some impartial person, in order to ascertain whether the alleged sale of the Georgia is really a *bona-fide* transaction.

I am, &c.,
(Signed) E. HAMMOND.

No. 64.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 27, 1864. (Received July 27.)

Report from vice-consul at Liverpool.

MY LORD: I have the honor to submit to your consideration a copy of a letter just received by me from the vice-consul of the United States at Liverpool.

It would seem, if the statements therein have any foundation in truth, that further attempts are in contemplation, under the shelter of the names of British subjects, to carry on from British ports war with the people of the United States.

Deeply regretting the continued manifestation of this inimical temper, I feel it again my duty to call your lordship's attention to the abuse thus made by the insurgents of the neutrality of Her Majesty's harbors by sham transfers of their war-vessels to British subjects, the better to cover their hostile operations.

I pray permission to observe that the complaint thus made is not against the vessel, for I have already been compelled to apprise your lordship of the fact that my Government declines to recognize her as possessing any other character than that which she had assumed, and in which she was received when she came into Liverpool. The material point to which I beg your lordship's attention is the intervention of one or more British subjects in the war by taking all the necessary measures in British ports to send out in their name this vessel in a shape fitted for further hostile operations.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 64.]

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 26, 1864.

SIR: In accordance with an order left by Mr. Dudley, I beg to transmit a certified copy of the register of the Georgia, the certificate dated yesterday.

I deem it my duty to state to you my fear that the recorded sale of this vessel is all a sham, and that there is no intention of converting her into a merchant vessel.

She has left the graving-dock at Birkenhead, where she had her bottom cleaned and painted, some trifling repairs made, and her engines overhauled, and is now in the Queen's dock at Liverpool.

Nothing has been done to her to change her character, beyond unshipping her guns and taking up the track or rails on which they worked on deck; but the guns are in a warehouse at Birkenhead, easily obtainable, and the rails still on board the ship.

She has also attached to her three of the men, (non-commissioned officers,) an engineer, quartermaster, and another, who were in her before, and one (the boatswain, I believe) from the Alabama.

They are also going to fit up the nettings for the hammocks as they were before.

The chief foreman of the yard, or graving-dock, where she was repaired, stated, that while she was there, that Mr. Bates was going to send her out on her old trade. I know also that Mr. Curtis, who advertises that claims for wages of deceased seamen of the Alabama are to be addressed to him, and is a confederate agent, is in communication with Mr. Bates.*

You will recollect, also, that Mr. Bates, some time since, in contradiction to the statements of the ship-owners of Liverpool, in their memorial to the House of Commons, published a letter avowing himself a dissentient from the memorial and, by inference, in favor of fitting out vessels for the belligerents.

Of the facts of the rails being on board and of the persons mentioned as being attached to the vessel, I can send you the deposition of the person who has seen them. [459] *I can also send you the deposition of the person to whom the foreman of the graving-dock made the statement referred to, if you think they will be of any use.

Very respectfully, &c.,
(Signed) H. WILDING,
Vice-Consul.

No. 65.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 28, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, and its inclosure respecting the vessel Georgia, and I have to state to you that the matter will not fail to receive the immediate attention of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 66.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 8, 1864.

No ship of war to be allowed for the future to be brought into British ports to be dismantled or sold.

SIR: With reference to my letter of the 28th ultimo, I have the honor to state to you that Her Majesty's government do not see sufficient grounds for coming to the conclusion, upon the statements contained in your letter of the 27th ultimo, that the steamer Georgia is about to be again used for belligerent purposes. With a view, however, to prevent the recurrence of any question such as that which has arisen in the case of the Georgia, Her Majesty's government have given directions that in future no ship of war of either belligerent shall be allowed to be brought to any of Her Majesty's ports for the purpose of being dismantled or sold.

I am, &c.,
(Signed) RUSSELL.

No. 67.

Mr. Murray to the Secretary to the Treasury.[1]

FOREIGN OFFICE, *August* 8, 1864.

Instructions given accordingly.

SIR: I am directed by Earl Russell to transmit to you copies of a note and its inclosures from Mr. Adams,[2] in which he states his reasons for thinking that the recorded sale at Liverpool of the Georgia, a vessel lately in the war service of the confederate government, is a sham, and that there is no intention of converting her into a merchant-vessel. I also inclose a copy of the answer, which, after consultation with the law-officers of the Crown, I have returned to Mr. Adams, and in conformity therewith I am to request that you will move the lords commissioners of Her Majesty's treasury to give the necessary directions to the authorities in the United Kingdom that in future no ship of war of either belligerent shall be allowed to be brought into any of Her Majesty's ports for the purpose of being dismantled or sold.

I am, &c.,
(Signed) JAMES MURRAY.

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[1] Similar letters were addressed to the home office, colonial office, and the India office.

[2] No. 64.

[460] *No. 68.

Mr. Murray to the Secretary to the Treasury.

FOREIGN OFFICE, *August* 8, 1864.

Georgia to be watched.

SIR: With reference to my other letter of this date, I am directed by Earl Russell to request that you will state to the lords commissioners of Her Majesty's treasury that the law-officers of the Crown consider it would be desirable that inquiries should be made of the authorities at the Queen's dock, at Liverpool, with regard to the Georgia, and that proper directions should be given to watch that vessel.

I am to request that you will move the lords of the treasury to issue instructions to the commissioners of customs accordingly.

I am, &c.,
(Signed) JAMES MURRAY.

No. 69.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS, *August* 15, 1864. (Received August 15.)

Reports from customs.

Georgia sailed for Fernando Po on the 11th of August.

SIR: With reference to Mr. Murray's two letters of the 8th instant, one requesting that the steamer Georgia, at Liverpool, should be watched, and the other requesting that directions might be given to the authorities in the United Kingdom that in future no ship of war belonging to either of the belligerent North American powers shall be allowed to be brought into any of Her Majesty's ports for the purpose of being dismantled or sold, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you herewith, for the information of Earl Russell, a copy of a report from the commissioners of customs, with copies of its inclosures, relating to these two matters.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 69.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *August* 3, 1864.

Your lordships having, on the 10th instant, referred to us the annexed letter from Mr. Murray, stating, by desire of Earl Russell, that the law-officers of the Crown consider that it would be desirable that inquiries should be made of the authorities of the Queen's dock, at Liverpool, with regard to the vessel Georgia, and that proper directions should be given to watch that vessel; and Mr. Arbuthnot having, by his letter dated 11th instant, transmitted to us, by desire of your lordships, the inclosed letter from Mr. Murray, dated 8th instant, and its inclosures, requesting that directions may be given that in future no ship of war belonging to either of the belligerent powers of America shall be allowed to enter any of Her Majesty's ports for the purpose of being dismantled or sold, and Mr. Arbuthnot having signified the desire of your Lordships that we would act in accordance with Earl Russell's request—

We report that, on the receipt of your lordship's reference of the 10th instant, we transmitted, by that night's post, a copy thereof to our collector at Liverpool, with directions that the inquiries desired by Earl Russell with respect to the Georgia should be made, and the result reported, and that the vessel should be watched, in accordance with the opinion of the law-officers of the Crown.

And, on the receipt of Mr. Arbuthnot's letter of the 11th instant, we caused the directions contained therein to be forthwith communicated to the collectors at the several out-ports in the United Kingdom for their future government, and at the same time we transmitted a copy of the letter of Mr. Wilding, the American vice-consul at Liverpool, respecting the sale of the Georgia, to the collector at Liverpool, for his immediate inquiry and report as to the allegations contained therein.

We beg now to transmit to your lordships copies of the reports of the collector of Liverpool and of Mr. Morgan, the surveyor, dated the 12th instant, stating the result of the inquiries which have been made, from which it appears that the Georgia [461] has been *purchased by Mr. Bates, an extensive ship-owner in Liverpool, and that she sailed on the 11th instant for, it is believed, Portugal, Cape Verd, and Fernando Po, at which latter place it is the intention of her present owner to dispose of her.

Georgia sold to Mr. Bates, and sailed for Fernando Po.

(Signed) P. GOULBURN.
N. W. GREY.

[Inclosure 2 in No. 69.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *August*, 12, 1864.

SIR: Referring to the statements contained in the vice-consul's letter and the honorable board's orders thereon, I have to state that, on the arrival of the Georgia, on the 2d May last, the commander of her informed me that it was the intention of the confederate government to abandon her, as she was deficient of both strength and speed for the purposes in which she had been engaged; that was the reason assigned for her coming into this port, and it was corroborated by others of her officers.

She entered the Birkenhead dock, where she was dismantled, her stores of provisions landed and sold, and her guns and other warlike stores and fittings placed in a warehouse.

Subsequently, the vessel was sold, and she was removed to the Queen's dock, where she took on board a considerable quantity of coal. During her stay there the customs officers paid frequent visits to her, but observed nothing on board which induced the suspicion that she was intended for any other than legitimate trade.

She left that dock on the 8th, and proceeded to sea on the 11th instant for, it is believed, Portugal, Cape Verd, and Fernando Po, in which latter place it is the intention of the owner, Mr. Edward Bates, who is an extensive ship-owner of this town, to dispose of her.

On an inspection of the official agreement of the crew, I find that one only of her men served in her when she was under the confederate flag; he is engaged as a fireman. There are three other firemen who served last on board the Alabama, a steamer belonging to this port, but no one who had belonged to the celebrated vessel of that name.

If any further information relating to the vessel in question can be obtained, I hope to have the honor of reporting it forthwith.

Very respectfully, &c.,
(Signed) E. MORGAN, *Surveyor.*

[Inclosure 3 in No. 69.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 12, 1864.

HONORABLE SIRS: With reference to your orders of the 10th and 11th instants, dated respectively, I beg to transmit the report of Mr. Morgan, surveyor, relative to the Georgia. That vessel cleared at the custom-house on the 4th instant, left the dock on the 8th, and sailed yesterday, the 11th. The Alabama, in which some of the crew are stated to have last served, is not the late confederate war-steamer, but a British steamer belonging to this port. Mr. Bates is the duly registered owner of the Georgia, and is in the habit of purchasing vessels to sell again when a favorable opportunity offers.

Should any further information be obtained respecting the vessel, it shall be communicated to the board without delay.

Respectfully, &c.
(Signed) W. G. STEWART, *Assistant Collector.*

[452] * [Inclosure 4 in No. 69.]

Mr. Arbuthnot to the commissioners of customs.

TREASURY CHAMBERS, *August* 11, 1864.

Armament of Georgia deposited at Liverpool.

GENTLEMEN: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you copy of a letter from the foreign office, dated 8th instant, requesting that directions may be given that in future no ship of war belonging to either of the belligerent powers of North America shall be allowed to enter any of Her Majesty's ports for the purpose of being dismantled or sold; and I am to desire that you will act in accordance with Earl Russell's request.

I am, &c.,
(Signed) G. A. ARBUTHNOT.

CUSTOM-HOUSE, *London, August* 11, 1864.

The aforegoing copy of a letter from Mr. G. A. Arbuthnot, for one of the secretaries to the lords commissioners of Her Majesty's treasury, is transmitted to the collector at ——, for his information and guidance.

By order of the commissioners.
(Signed) J. B. HALE.

No. 70.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
August 17, 1864. (Received August 17.)

Report from customs as to armament of Georgia.

SIR: I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a report from the commissioners of customs, dated 16th August, with copy of its inclosures, further respecting the Georgia, late a confederate steamer.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 70.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *August* 16, 1864.

SIR: I am directed by the commissioners of customs to transmit to you the inclosed copies of reports from the surveyor and collector at Liverpool, relative to the guns, &c., lately on board the confederate steamer Georgia, which was the subject of the board's report to the lords commissioners of Her Majesty's treasury of the 13th instant.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 70.]

Mr. Morgan to Mr. Edwards.

AUGUST 15, 1864.

SIR: Since the date of my further report of the 12th instant, I have made further inquiries relating to the statement contained in the letter of the vice-consul of the United States at this port, dated 26th ultimo, with reference to the steamer Georgia, the result of which I now beg to forward.

On visiting the warehouses at Birkenhead, where the armament and warlike stores of that vessel were stored at the time of dismantling her, I found that they had not been disturbed; and the warehouse-keeper is prepared to abide by the promise he made on a former occasion, to forward to us the earliest information he may receive of their intended removal.

[463] *With reference to the remark in that letter that they were also going to fit up the hammock-nettings as before, I have to observe that it does not appear that her hammock-fittings, which she had on her arrival here, had been removed up to the time of her leaving this port. I submit, with reference thereto, that whatever may be her intended destination, little or no importance can be attached to that; for those fittings not only add to the appearance of the vessel, but they are also convenient for holding the spare small spars, oars, &c., which are usually carried loose upon deck.

Capture by Niagara.

Should any further information reach me with reference to that vessel, I will not fail to communicate it forthwith.

(Signed) E. MORGAN.

[Inclosure 3 in No. 70.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 15, 1864.

HONORABLE SIRS: With reference to my report of the 12th instant, on the late confederate steamer Georgia, I beg to transmit a further report of Mr. Morgan, surveyor, showing that the guns, &c., lately on board that vessel still remain in the warehouse at Birkenhead.

Respectfully, &c.,
(Signed) W. G. STEWART, *Assistant Collector.*

No. 71.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 18, 1864. (Received August 19.)

MY LORD: I have had the honor to receive your note of the 8th instant, communicating to me the fact that directions have been given by Her Majesty's government to prohibit any ship of war of either belligerent from being brought into any of her ports for the purpose of being dismantled or sold. I shall transmit a copy of the same, for the information of my Government.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 72.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
August 25, 1864. (Received August 25.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a report from the commissioners of customs, with copy of the accompanying paper, reporting the arrival at Dover of the United States war vessel Niagara, with thirty-four prisoners from the vessel Georgia.

Arrival of prisoners at Dover.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 72.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *August* 25, 1864.

SIR: I am directed by the board to transmit, for the information of the lords commissioners of Her Majesty's treasury, copy of a letter from the collector of this revenue at Dover, dated the 24th instant, reporting the arrival in that roadstead of the [464] United *States war steamer Niagara, and stating that thirty-four prisoners, part of the crew of the Georgia, of Liverpool, have been landed from the Niagara.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 72.]

Mr. Saunders to the commissioners of customs.

CUSTOM-HOUSE, DOVER, *August* 24, 1864.

HONORABLE SIRS: In obedience to your general order, I have to report the arrival this morning in this roadstead of the United States war steamer Niagara at Lisbon for shelter, and that she has landed thirty-four prisoners, part of the crew of the Georgia.

I am, &c.,
(Signed) C. S. SAUNDERS, *Collector.*

P. S.—Since writing the above the Niagara has sailed to Antwerp to coal.

C. S. S.

No. 73.

Mr. Bates to Earl Russell.

LIVERPOOL, *August* 27, 1864. (Received August 29.)

Protest by Mr. Bates.

MY LORD: I beg to call your lordship's attention to a very serious outrage which has been committed upon me by the United States man-of-war Niagara, in having forcibly seized and sent to the United States my screw-steamer Georgia.

This vessel was, in the month of May last, lying in the Birkenhead dock, and was offered for sale by public advertisement by the well-known ship-brokers, Messrs. Curry, Kellock & Co., of this town.

I had her examined, and, thinking her a suitable vessel, I entertained an intention to purchase her. I knew she was the property of the confederate government, and thereupon, before completing a purchase, I communicated with the custom-house authorities at Liverpool, in order to ascertain whether the authorities would grant me a British register, without which I should not have bought her.

The customs authorities took some time to consider, and, during all this period, the advertisement continued in the public papers, and I have no doubt that this public announcement was seen and well known to the American consul at this port.

Eventually I was informed that a British register would be granted to me if I bought her. I concluded a purchase of her and paid for her on the 13th June last. The purchase-money I paid to Messrs. Curry, Kellock & Co., and received a bill of sale signed by James D. Bullock. This document I presented at the custom-house, where I made the usual declaration of ownership, and the ship was thereupon duly registered in my name.

During the whole of this period she was in a public dock, open to the inspection of the public, and where I dismantled her, and proceeded to alter and repair her. All this time I did not receive any intimation, from either my government or from the American consul, or other authorities, that my purchase was invalid.

In July I received overtures from Messrs. Bennett, of London, through Messrs. Meacock, of Liverpool, as brokers for the Portuguese consul in London, for a charter of the Georgia on time to the Portuguese government. I eventually accepted this charter, and then proceeded to fit her up in accordance therewith, as a mail and passenger boat.

While she was being thus fitted up the Niagara visited the Mersey. The vessel was still open to inspection, and I have reason to believe that the officers of that vessel did inspect her, but no intimation was made to me of the intention to seize my property as soon as she should get into open waters.

So secure did I feel in the possession of my property that, although the consul general for Portugal conveyed to me his feeling of apprehension of the Niagara, I scouted the idea as something unworthy of credence, and on the 8th August she sailed from the Queen's dock, in Liverpool, for Lisbon, there to run in the service of the Portuguese government, from that place to the coast of Africa and back, with [465] mails, *goods, and passengers. On the completion of this service the Portuguese government convenanted and agreed to deliver my ship to me in the port of Liverpool.

Your lordship may therefore conceive the astonishment and indignation with which I received the intelligence, on my return to Liverpool, of the vessel having been seized off Lisbon by the United States steamer Niagara and sent to Boston.

I am well known in Liverpool as an extensive ship-owner.

I have no connection with the confederate government or their agents, and never have had, directly or indirectly.

I bought the vessel for the purposes of my own business, on an arrangement with the custom-house authorities that I should receive for her a British register, and in the belief that a British register would protect my property from the outrage which has been practiced upon me.

I respectfully submit these facts to your lordship's consideration, and trust that Her Majesty's government will forthwith take such steps as they may deem necessary, in order to procure for me a restitution of my ship and compensation for the injury I have sustained.

I have, &c.,
(Signed) EDWARD BATES.

No. 74.

Mr. Waddington to Mr. Murray.

WHITEHALL, *September* 1, 1864. (Received September 2.)

SIR: I am directed by Secretary Sir George Grey to acquaint you, for the information of Earl Russell, that he has referred to the law-officers of the Crown your letter of the 8th ultimo, and its inclosures, in reference to the recorded sale at Liverpool of the Georgia, a vessel lately in the war service of the confederate government, and calling upon Sir George Grey to give the necessary directions to the authorities in the United Kingdom that in future no ship of war of either belligerent shall be allowed to be brought into any of Her Majesty's ports for the purpose of being dismantled or sold, for their opinion as to the authorities to whom such directions are to be given, and by virtue of what law they are to be enforced. And I am to transmit herewith, to be laid before Earl Russell, a copy of the opinion of the attorney and solicitor general thereon.

The opinion of the 23d May last, referred to by the law-officers, was communicated to the foreign office in a letter from this department of the 26th of the same month.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 74.]

Opinion of the attorney and solicitor general.

Opinion of law-officers as to instructions to prevent belligerent vessels being dismantled and sold.

We humbly conceive that the questions proposed in Mr Waddington's letter of the 15th instant are already answered, by anticipation, in the first two paragraphs of our opinion of the 23d May last, to which we beg leave to refer.

The directions now proposed to be given add, in truth, nothing to what is involved in the strict and proper interpretation of the regulations already issued by Her Majesty on the 31st January, 1864; and we conceive that they should be given by the same authority and published in the same manner as these regulations, which, we believe, were issued under Her Majesty's authority by the secretary of state, either for the foreign or for the home department, and published in the London Gazette. The enforcement of such orders and directions, concerning as they do ships which, on their entrance into any port of Her Majesty, will have the character of public ships of war of a foreign power, and will not yet have become the property of any of Her Majesty's subjects, does not belong to the municipal law of this country, but to the same branch of the royal prerogative by virtue of which Her Majesty has the power of making peace and war, and generally of conducting and controlling the external relations of this country with foreign governments.

(Signed) R. P. COLLIER,
(For the Attorney General and myself.

LINCOLN'S INN, *August* 26, 1864.

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[466] *No. 75.

Mr. Hammond to Mr. Bates.

FOREIGN OFFICE, *September* 5, 1864.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 27th ultimo, respecting the capture of the steamer Georgia by the United States steamer Niagara; and I am to inform you, in reply, that this matter is under the consideration of Her Majesty's government.

I am, &c.,
(Signed) E. HAMMOND.

No. 76.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *September* 6, 1864.

SIR: I have laid before Earl Russell your letter of the 1st instant, inclosing a copy of an opinion of the attorney and solicitor general with respect to the prohibition of the sale or dismantling of vessels of war of belligerent states in Her Majesty's ports; and I am to request that you will inform Secretary Sir George Grey that Lord Russell has requested the law advisers of the Crown to draw up the draught of notification to that effect, but that, as yet, their answer has not been received.

I am, &c.,
(Signed) E. HAMMOND.

No. 77.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 6, 1864.

Mr. Adams informed that it is expected that the Georgia will be adjudicated upon in a proper prize-court.

SIR: You are doubtless aware of the circumstances under which the steamer Georgia has been seized on the high seas by the United States steamer Niagara, and sent, as it is alleged, in charge of a prize-crew to the port of Boston.

I do not propose, at present at least, to enter into correspondence with you on the subject of this proceeding on the part of the commander of the Niagara; but I consider it necessary to request that you will take an early opportunity of acquainting the Government of the United States that Her Majesty's government, of course, expects that a vessel seized under the British flag and claimed by British owners will be brought, with as little delay as possible, for adjudication into the proper prize-court, in which the claim of one of Her Majesty's subjects will be tried according to those recognized principles of international law which govern the relations of the belligerent toward the neutral.

I am, &c.,
(Signed) RUSSELL.

No. 78.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 8, 1864. (Received September 9.)

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 6th instant, in relation to the capture of the steamer Georgia. Although I have every reason to believe that the strongest disposition already exists on the part of my Government to facilitate the necessary proceedings before the proper judicial tribunals whereby to determine the validity of that capture according to the recognized principles of international law, I shall, nevertheless, take pleasure in at once transmitting a copy of your note, expressing the wishes of Her Majesty's government, for their consideration.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[467] *No. 79.

Mr. Hammond to Mr. Bates.

[Telegraphic.]

FOREIGN OFFICE, *September* 9, 1864.

You will receive by to-night's post a letter saying that the case of the Georgia must go to the prize-court in the United States, and that you must be prepared to defend your interest therein. I give you this notice by telegraph, as the mail goes to-morrow.

No. 80.

Mr. Hammond to Mr. Bates.

FOREIGN OFFICE, *September* 9, 1864.

Mr. Bates informed that he must defend his interest in a prize-court.

SIR: I am directed by Earl Russell to inform you, with reference to your letter of the 27th ultimo, that Her Majesty's government are of opinion that the case of the Georgia must go before the prize-court in the United States, and that you must be prepared to defend your interest therein.

I am, &c.,
(Signed) E. HAMMOND.

No. 81.

Earl Russell to Mr. Burnley.

FOREIGN OFFICE, *September* 10, 1864.

Notification in London Gazette prohibiting dismantling or sale of belligerent vessels.

SIR: I transmit to you herewith copies of a notification which appeared in the London Gazette of last night, prohibiting any ship of war belonging to either of the belligerent powers in North America being dismantled or sold in any of Her Majesty's ports.

I am, &c.,
(Signed) RUSSELL.

[Inclosure in No. 81.]

Extract from the London Gazette of September 9, 1864.

FOREIGN OFFICE, *September* 8, 1864.

It is hereby notified that Her Majesty has been pleased to order that for the future no ship of war belonging to either of the belligerent powers of North America shall be allowed to enter, or to remain, or be, in any of Her Majesty's ports for the purpose of being dismantled or sold; and Her Majesty has been pleased to give directions to the commissioners of Her Majesty's customs, and to the governors of Her Majesty's colonies and foreign possessions, to see that this order is properly carried into effect.

No. 82.

Mr. Hammond to the secretary to the treasury.[1]

FOREIGN OFFICE, *September* 10, 1864.

SIR: With reference to the letter from this office of the 8th ultimo, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, an extract from the London Gazette of last night, containing a notification, the draught of which was prepared by the law advisers of the Crown, prohibiting any ship of war belonging to either of the belligerent powers of North America being dismantled or sold in any of Her Majesty's ports.

I am, &c.,
(Signed) E. HAMMOND.

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[468] *No. 83.

Mr. Bates to Earl Russell.

LIVERPOOL, *September* 10, 1864. (Received September 12.)

Mr. Bates' request for copies of correspondence and assistance.

MY LORD: I have the honor to acknowledge receipt of Mr. Hammond's telegram and letter of yesterday, informing me that Her Majesty's government is of opinion that the case of the Georgia must go before the prize-court in the United States, and that I must be prepared to defend my interest there.

I shall at once act on the advice thus given, and I shall send forward, by to-night's mail, to the United States such evidence as I am at present in possession of. I am advised, however, that it will be material for me to prove that, at the time when a British register was granted to me, Her Majesty's government had a full knowledge of the antecedents of the Georgia, and I am informed that this will appear in the official correspondence which has passed on the subject. I shall, therefore, feel obliged if you will, as early as possible, furnish me with copies of these letters and documents, so that I may transmit them to the United States.

I take for granted that Her Majesty's government will instruct Lord Lyons to represent them in the proceedings which may be taken in the United States; and I have, therefore, to request that your lordship will be good enough to instruct Lord Lyons to render my agents in the United States all the assistance in his power.

I will instruct my agents to apply to Lord Lyons.

I have, &c.,
(Signed) EDWARD BATES.

No. 84.

Mr. Hammond to Mr. Bates.

FOREIGN OFFICE, *September* 19, 1864.

Opinion of law-officers.

SIR: I acquainted you shortly, by Lord Russell's direction, in my letter of the 9th instant, that the case of the Georgia must go before the prize-court in the United States, and that you must be prepared to defend your interest therein.

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[1] Similar letters were addressed to the home office, colonial office, India office, and the admiralty.

I am now further to acquaint you, in reply to your letter of the 27th ultimo, that, having consulted the law-officers of the Crown, Lord Russell desires me to state to you that the Niagara, in capturing the Georgia and sending her into a prize-court for adjudication, which, it is to be assumed, will be the course she will pursue, has not exceeded the limits of her belligerent rights.

If the Georgia had formerly belonged to the mercantile marine of the Confederate States and been the property of a private subject of the Confederate States, the United States cruiser would have been justified in seizing her upon the high seas, and in taking her into a prize-court for the purpose of submitting to proper judicial investigation the question whether the transfer of an enemy's vessel to a neutral *flagrante bello* had been *bona fide* and executed in the manner and in the circumstances which international law requires. But it is a fact beyond the reach of controversy or denial that the Georgia had formed, till a very recent period, part of the confederate navy. The belligerent, therefore, had, *a fortiori*, the right to seize her and endeavor to obtain her condemnation in a prize-court. That court will have to determine, not only the question whether the transfer of the Georgia to a neutral owner was real and accompanied by an entire extinction of all the interests and rights of the former hostile owner, but the much graver preliminary question whether (as against the right of capture of the other belligerent) a ship of war can be lawfully transferred by a belligerent *flagrante bello* in a neutral port to a neutral, with whatever publicity, and however completely the transfer may have been actually made, and whatever alterations the structure, equipment, or employment of the vessel, so *de facto* transferred, may have undergone while in the possession of the neutral.

Lord Russell is further advised that the officers of the customhouse at Liverpool, in granting to this vessel, upon the production of proper documents, a British register, merely acted in conformity with the municipal law of this country, which neither undertakes to assist and facilitate, nor pretends upon the high seas to overrule or supersede, the right of maritime capture belonging to a belligerent under the law of nations as administered in prize-courts; and that it was certainly no part of the duty of Her Majesty's government to inform a private individual who might entertain the idea of purchasing this [469] *vessel of any risk which he might incur by so doing. Nor is Lord Russell aware of any obligation imposed by international law and comity upon the representatives or agents of the United States in this country, or upon the officers of the Niagara when at Liverpool, to give any notice or intimation whatever that the Niagara, or any other cruiser of the United States, might still consider the vessel a proper subject of capture, whether transferred or not to a neutral, and under whatever register or flag she might sail.

I am to add that the application contained in your letter of the 10th instant, for documents in the case, is now under consideration, and that an answer will be returned to you as soon as possible.

I am, &c.,
(Signed) E. HAMMOND.

No. 85.

Mr. Hammond to Mr. Bates.

FOREIGN OFFICE, *October* 3, 1864.

SIR: With reference to the concluding paragraph of my letter of the

19th instant, I am directed by Earl Russell to inform you that Her Majesty's government have considered, in communication with the law advisers of the Crown, the application, contained in your letter of the 10th ultimo, to be furnished with copies of the official correspondence respecting the case of the Georgia, for the purpose of proving that, at the time when a British register was granted to you, Her Majesty's government had a full knowledge of the antecedents of the Georgia, and also your request that Lord Lyons may be instructed to render your agents in the United States all the assistance in his power.

I am now to inform you that, although Her Majesty's government are of opinion that applications for copies of official correspondence ought very rarely to be acceded to, they think, nevertheleless, that, having regard to the peculiar circumstances of this case and to the consideration that evidence of the kind required may affect the legal bearings of the very important questions of international law which the prize-courts of the United States will have to decide in the case of the Georgia, you may be allowed to have official copies of the following documents, viz: (1) A report from the custom-house, dated 4th June, 1864, announcing the sale of the Georgia to you; (2) a letter, dated 12th August, 1864, from Mr. Stewart, assistant collector at the Liverpool custom-house, to the commissioners of customs; and (3) a letter, dated 12th August, 1864, from Mr. Morgan, surveyor, Liverpool, to the collector of customs at Liverpool, on the subject of the dismantling of the warlike stores and provisions of the Georgia. I am accordingly directed by Lord Russell to transmit to you copies of the documents in question.

Copies of correspondence forwarded to Mr. Bates.

With reference to the passage in your letter in which you state, "I take for granted that Her Majesty's government will instruct Lord Lyons to represent them in the proceedings which may be taken in the United States, and I have, therefore, to request that your lordship will be good enough to instruct Lord Lyons to render my agents in the United States all the assistance in his power," Lord Russell thinks it right that you should be apprised that you will obtain from Her Majesty's representative at Washington, if any circumstance should render it necessary, the same assistance as any other British subject would be entitled to in the prosecution of his claim in an American court of justice, but that you must rely entirely, like any other private suitor, for the successful conduct of your case, upon your own energy and upon the legal advice and assistance which you may think proper to employ upon your own behalf.

Answer returned to him as to assistance from Lord Lyons, and British registration of vessels.

Lord Russell also thinks it right to inform you, in order to prevent any future misconception, that Her Majesty's government do not in any case warrant, as against any claims which may be advanced by foreigners or foreign governments, whether arising or not out of the exercise of belligerent rights during a state of war, the validity of any title acquired by means of the registration as a British ship of a vessel purchased by a British subject from a foreigner, and that the registration of such a title is a ministerial act, which it is the duty of the proper custom-house officers to perform under the mercantile marine acts, upon the mere production of proper documents, without any interference or responsibility on the part of Her Majesty's government.

I am, &c.,
(Signed) E. HAMMOND.

SHENANDOAH.

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[477] *SHENANDOAH.

No. 1.

Consul Grattan to Earl Russell.

TENERIFFE, *October* 30, 1864. (Received November 12.)

MY LORD: I have the honor to inform your lordship that the British steam-vessel Laurel (47,819) of the port of Glasgow, bound from Liverpool to Nassau, arrived here on the 21st instant, for the purpose of coaling.

The master, J. F. Ramsey, on presenting himself at this office, stated that he wished to land forty-three passengers, who were to proceed to England by the next Liverpool steamer, and that these persons were the master and crew of the British steamer Sea King, (official number 48,547,) of London, which vessel had been wrecked off the Desertas. The Laurel continued her voyage on the 22d instant. The master, on getting up steam, and not before, landed the above-mentioned seamen.

First intimation respecting proceedings of Sea King received from consul at Teneriffe.

The master of the Sea King, P. S. Corbett, did not call at this office, as is usual in such cases, either for the purpose of making a protest or to claim assistance. Therefore, on the 25th instant, I sent to desire his attendance, and demanded the certificate of registry of his vessel, in pursuance of instructions contained in No. 13 paragraph of the board of trade instructions. On handing in this certificate he informed me that his vessel had not been wrecked, but that she had been sold in London and delivered to her owners on the high seas, and that himself and his crew had landed here for the purpose of returning to England as passengers in the west coast of Africa mail-steamer, due at this port on the 31st instant.

Arrival of Captain Corbett there in Laurel, with seamen from Sea King, October 21, 1864.

The discrepancy between the statements of the two masters led me to seek for further information respecting this matter, and the substance of the declaration I have obtained from George Kelly, Edward Everall, John Ellison, (royal naval volunteers 18,436,) and John Hircus, all seamen belonging to the crew of the steam-vessel Sea King, is as follows:

"The Laurel sailed from Liverpool bound to Nassau, with 24 supposed officers and 17 seamen, besides her own crew, 45 to 60 shells, about five tons of gunpowder, and various other munitions of war; she proceeded to Madeira, where she took about 300 tons of coals. The Sea King sailed from London on the 7th instant, and also proceeded to the offing of Funchal Roads. Both vessels then steamed to a place off the Desertas, where the sea was smooth, and the officers and men, arms, and munitions of war were transshipped from the Laurel to the Sea King on the 20th instant. The cases of arms were at once opened, and the seamen armed themselves with cutlasses and revolvers. One of the officers then took command of the vessel in the name of the government of the so-called Confederate States of America. Some of the crew of the Laurel joined the Sea King. The remainder of her intended crew are to be sent out from England."

The forty-two seamen now here, in charge of the former master of the Sea King, awaiting a passage to England, refused to join the confederate vessel, though as much as £17 per man was offered to them as bounty.

In consequence of having become aware that a serious offense against British law has been committed on board a British ship, I have thought it my duty to take the depositions, upon oath, of four of the seamen of the Sea King, which I have the honor to forward to the board of trade, according to instructions.

Captain Corbett sent home by consul, under arrest, for violating foreign-enlistment act.

[478] *These depositions, in my opinion, contain evidence sufficient to substantiate a charge against the master, P. S. Corbett, of an infringement of the foreign-enlistment act. I therefore, pursuant to paragraph 127 of the consular instructions, deem it proper to send the offender in safe custody to England, in order that cognizance of the offense may be taken.

I am satisfied that the 42 seamen now here are about to proceed to England by the west coast of Africa mail-steamer, which leaves this port for England on this day.

I have, &c.,
(Signed) HENRY C. GRATTAN.

[Inclosure 1 in No. 1.]

Deposition, upon oath, of John Ellison, R. N. V. 18,536.

Deposition of John Ellison.

Departure of Sea King from London on a mercantile voyage. Conversion into the Shenandoah off Madeira.

Proceedings off Madeira.

I signed as quartermaster in the Sea King on or about the 8th of October, 1864; proceeded to sea; after several days we came off Madeira; on the same night a steamer went into the port of Madeira; on the following morning the Sea King went into the bay, and signalized to the steamers that were laying there, and after two hours the Laurel came out to sea and signalized to the Sea King, and was answered by hoisting No. 3 pendant, which I hoisted myself. I was ordered by one of the passengers to hoist this pendant; the captain was on the poop at the time, and, turning round, said to me these words: "Who ordered that pendant to be hoisted? Haul it down immediately;" which I did. After this flag was hauled down—about three-quarters of an hour afterward—the Laurel anchored off what I believe to be the Desertas; the Sea King anchored within about thirty yards of her. The captain of the Laurel was on the forecastle; our captain said, "I will come alongside of you directly," and he did so. In the mean time, the men were erecting tackles, rigging purchases to the port main yard-arm, and preventer-lifts and rolling-tackle ready. After this, commenced to take in large, heavy cases from the Laurel, I think four or five by means of other purchases. Small cases and casks of powder were taken in forward; all lights ordered to be put out. These orders were given by some of the passengers of the Laurel who had embarked on board the Sea King, and not by our captain. One of these passengers told us that he was the captain, and had charge of the ship, and ordered our captain to hoist the confederate flag, which was done. Shortly after our captain gave orders for all hands to lay aft; when the men were aft, our captain came out of the saloon with our articles in his hand, and said, "Well, men, I have sold the ship." Immediately, the captain that had charge came out alongside of him. Captain Corbett said to us: "This gentleman is offering £4 for able seamen." I was standing close to the captain at the time, and I said to him: "I agreed with you in London to go to Bombay, which I have my naval certificate to prove." I told him, "You have broken your agreement; why are we not proceeding to Bombay?" He said, "Well, men, I cannot help it;" and, buttoning up his coat, he said: "Follow me," (and ran to the gangway;) "I am off." I said, "Let him go. This is the ship we have earned our money in, and ought to have it out of." After he had gone, one of the passengers said to me: "Why cannot you go in this ship? it is good money." I said I had never earned a shilling in America in my life, and therefore I did not wish to fight for it; that England was my country, and I was not ashamed to own it. He said, "Why?" I said, "You do not know where I belong to; do you see this on my cap?" I had the naval reserve cap on at the time. "If I were to desert from this, you cannot place any confidence in me; you

may try, but it is of no use; I have got the wrong heart in me for this; so you have no need to try me any more." I said to Captain Corbett: "I stop in the ship till I get my money down on the capstan-head." He said, "Men, I have no money to pay you." I said, "You have sold the ship; what have you done with the money?" He said, "I have no money to pay you here;" he said I talked too much. I said, "I will see you when I get to England." The other royal naval volunteer on board the Sea King told me that Captain Corbett had offered him between £15 and £20 bounty, and about £10 per month, as near as I can recollect; he refused this, and in about half an hour all the men went, without being paid, on board the Laurel. The Laurel went to reconnoiter a ship which hove in sight, and came back and signalized that she was a Hamburg vessel. The Laurel laid off about an hour and a half, trying to persuade
[479] us to join the Sea King, Captain Corbett *doing his uttermost to this end. When he found it no use, they hoisted the boats and proceeded to Teneriffe, where we arrived on 20th, at night, and were not allowed to land until the 22d. When steam was up, ready to depart, the chief officer came forward to the men of the Sea King, and said: "If anybody asks you where you come from, say you are castaway seamen, and tell the consul the same, if required."

(Signed) JOHN ELLISON.

This deposition was made before me and read over to the deponent.

(Signed) HENRY C. GRATTAN,
Consul.

TENERIFFE, *October* 29, 1864.

[Inclosure 2 in No. 1.]

Deposition upon oath of John Allen, R. N. V. 950.

Deposition of John Allen.

I shipped in the Sea King for a voyage to Bombay and China, voyage not to exceed two years. After we got clear of the channel we stopped the steam and proceeded under double-reefed topsails, dodging along for about three days, as far as I recollect, looking for something. We then made sail and carried on until we came to the island of Madeira; ran in past it at night, then rounded the vessel to, and stood out again till 4 the next morning; then got steam up, and stood in for the harbor again. When we got abreast of the harbor we hoisted our number, which was answered by the Laurel steamboat, lying at anchor. Directly altered the ship's head outward and stood away from the harbor. Then we were followed by the Laurel steamer, which got underway directly we signalized her; then we laxed our steam until she came up to us; she then signalized to us when she was going. Immediately we set full steam on and made all sail. We ran for about two hours and a half, when the steamer rounded an island, and we followed her, taking in all sail; and going up under easy steam, brought the ship to an anchor in 17 fathoms. A boat from the little steamer came alongside of us with the captain in her, and told our captain that he would be alongside of him in a few minutes. Then we commenced to secure our mainyard and get a pendant from the mast-head, and got the tackle hooked on all ready for taking some heavy weight on board. Then the Laurel came alongside us, and we commenced slinging the cases until about 9 o'clock; likewise cases of powder, which was carried to the after cabin and stowed away; likewise large cases of shell and shot; also cases of rifles, and a great many cases of clothing. About 9 o'clock we went to our suppers. Went to work again about half past 9, and continued working till about 2 in the morning, taking in kegs of powder; all lights ordered to be put out. They gave us a glass of grog and let us go to bed about 2 o'clock next morning. We were not asked to turn to work. After breakfast the hands were all to come aft. When we were all mustered aft, Captain Corbett waited for the person who proved to be the captain and took charge of the ship. Then he addressed us in this manner: "Men, I have sold the ship; you who like to stop in her, you will get very good wages, and I will give you two months' pay." The men refused to do so. The new captain spoke to the men and told them he would give them two months' advance, £7 per month, and £10 bounty, if any of them would join him. The third engineer and two or three of the firemen joined him. The new captain came to me while I was on the poop, it being my watch, and tried all he could to persuade me to go with him; offered me £14 a month to go as gunner's mate, which I told him plainly I dare not do, as I belonged to the English navy already, and I dare not go into any other. When they found they could not persuade me, they went to Captain Corbett to try if he could not advise me to do so. As I came off the poop, as all hands were standing around the cabin-door waiting to see the captain, the captain (Captain Corbett) came out of the cabin and called me in, and told me I was very foolish to lose such a good chance. I told him I would not go for double the amount. He said when he went home he would not report me, nor let it be known where I was, if I would go, and I thanked him, and told him I would go home and report myself, and walked out of the cabin. The captain came on deck and the men asked him to give them three months' wages before they would leave the ship, which he refused to do. He said, "There is the steamboat, and you can come along with me." He told us he would take us to England and discharge us, and if the law *would allow us anything he [480] would give it to us. Seeing it was no use hanging on any longer we put our things on board the steamboat and waited for the captain; as soon as he came on board the steamer shoved off, got her steam up, and at this time a sail hove in sight, and the captain lowered his boat and went on board the Sea King. Again pulled back as quick as he could and put to sea, till he made out what the vessel was, and then stood back for the Sea King again, to let her know it was all right. We hovered off and on till about 5 or 6 in the evening, as the captain could not get any of us to join. Some of the little steamer's hands went. Turned away and made our passage toward Teneriffe. On arriving there were not allowed to land until the Laurel was ready for sea with her steam up.

The above has been read over to me and is correct and true.

(Signed) his
JOHN + ALLEN.
mark.

This deposition was made before me.
(Signed) HENRY C. GRATTAN, *Consul.*
TENERIFFE, *October* 29, 1864.

[Inclosure 3 in No. 1.]

Deposition, upon oath, of Thomas Everall.

Deposition of Thomas Everall.

I signed as ordinary seaman in the Sea King on or about the 8th of Otober; sailed from London, supposed to be going on a voyage to Bombay, &c., voyage not to exceed two years. When the vessel left, there were two persons on board not belonging to the crew; one of these persons went ashore at Deal, the other proceeded on the voyage with us. About ten days after leaving London we hove to before the island of Madeira, after having been dodging about all night. We signalled to some vessel inside the harbor, and soon after a steamer came out; we accompanied her to an island about fifty miles from Madeira. As soon as we had let go our anchor the other vessel came alongside of us and we began to transship guns and ammunition into the Sea King. We worked till late, and when we had done the mate came into the forecastle and told us that the Sea King was sold to the confederate government for a privateer, and if we liked to join we should get £4 10*s.* a month, two months' wages from the Sea King, two months' advance from the Shenandoah, (the name given to the Sea King,) and £10 bounty. Next morning, after we had finished the transshipment, Captain Corbett called the hands aft and corroborated the mate's statement, further saying that if we did not like to join he would give us two months' wages and pay our passage to England. We would not agree to this, so he said we must go in the steamer alongside, and we said we would settle it when we got to England. The new captain of the Sea King then offered us £6 per month and £15 bounty; then afterward raised his offers to £7 per month and £16 bounty, but only two lads joined. We then took our clothes on board the Laurel, and we left the Shenandoah in the evening; she hoisted the confederate flag. The passenger who went with us was the first lieutenant. We arrived at Teneriffe next Thursday and landed the Saturday following, and have since been living at the captain's expense, waiting for the mail-boat to take us home.

The above has been read over to me and is correct and true.

(Signed) THOMAS EVERALL.

This deposition was made before me.
(Signed) HENRY C. GRATTAN, *Consul.*
TENERIFFE, *October* 29, 1864.

[481] [Inclosure 4 in No. 1.]

Deposition, upon oath, of George Kelly.

Deposition of George Kelly.

The Sea King sailed from London on the above voyage; as soon as she got clear of the channel the steam was taken off, and some of the sails put her under easy canvas. We said, "There is something strange, or the captain would be more anxious to proceed on his voyage." We had one passenger on board, who was afterward said to be the first lieutenant. The sail-maker was making a few hammocks for some of the men forward, and this passenger gave him orders to make twelve; from this we supposed this person was not a passenger. On Monday night or afternoon came off Madeira and dodged off and on until Tuesday morning; then the captain gave orders to the engineer to put on full steam till he got outside the town. He hoisted signals; they were answered by a steamboat that was lying in-shore; then we kept off again for a couple of hours. The steamer which signalized came out, and both steamers hoisted signals. We made all steam and sail toward the lee of an island; we anchored there, and the other steamer came alongside of us. The boatswain ordered us to secure the main-yard with a topsail-sheet and to put tackles for taking in three-tons weight. We took in some heavy cases, and also four cases of shot and shell, which we knew to be such, as some tumbled about the decks. There were some gun-carriages in cases and some without; the cases containing the gun-carriages were partly open. Several bales of clothing and beds were transshipped. The captain came to us and told us he had sold the ship; that the captain who now had the ship would give us £4 10s. a month and £10 bounty, and he himself would give us two months' wages if we would join the ship. He then raised his terms to £6 and £7; £16 bounty. We refused to go in her. One engineer, a boy, and an ordinary seaman stopped, I believe. The captain told us to go on board the Laurel; that he would pay our passage home. We went on board. We received no wages. We dodged off and on. The confederate flag was hoisted after we left the ship. We then came down to Teneriffe.

The above has been read over to me and is correct and true.

(Signed) GEORGE his + mark. KELLY.

This deposition was made before me.
(Signed) HENRY C. GRATTAN, *Consul.*

[Inclosure 5 in No. 1.]

Statement of the circumstances under which the British vessel Sea King, official No. 48547, *of London, has been sold by Mr. P. S. Corbett, the master thereof.*

Statement of sale of Sea King.

The above vessel left London on the 19th of October, 1864, bound to Bombay, calling at port or ports on the passage. The cargo consisted of coals and provisions for the voyage. There were no munitions of war whatever on board. I held a certificate of sale from the owner. On the 19th of October I sold the said ship, receiving the amount agreed upon as per bill of sale. I am not aware that by the said sale I in any way infringed the foreign-enlistment act.

(Signed) P. S. CORBETT.

This statement was made before me.
(Signed) HENRY C. GRATTAN, *Consul.*
TENERIFFE, *October* 29, 1864.

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[482] * No. 2.

Mr. Hanmer to the secretary to the board of trade.

[Telegraphic.]

LIVERPOOL, *November* 11, 1864.

Twenty-two of the Sea King's crew have just arrived. Any commands? The Sea King is Captain Semmes's new vessel.

No. 3.

Mr. Layard to the law-officers of the Crown.

FOREIGN OFFICE, *November* 12, 1864.

GENTLEMEN: I am directed by Earl Russell to transmit to you a copy of a dispatch received on the 12th instant from Her Majesty's consul at Teneriffe,[1] reporting the circumstances under which a number of men had been landed at that port from the British steamer Laurel, and the part taken by that vessel in the equipment at sea of the British steamer Sea King as a vessel of war of the government of the so-called Confederate States. Mr. Consul Grattan states that he had taken the depositions, on oath, of four of the seamen of the Sea King who were landed from the Laurel, and that he had deemed it proper to send Captain Corbett to England in safe custody, to answer to a charge of having infringed the foreign-enlistment act.

Lord Russell has ascertained that the depositions have not yet reached the board of trade, and he is unable, therefore, to submit them for your consideration.

I am directed, however, to send to you at once the consul's dispatch, as well as a copy of a telegram received at the board of trade, announcing the arrival of twenty-two of the men at Liverpool; and I am to request that you will take these papers into consideration, and favor Lord Russell with your advice as to the course which should be adopted by Her Majesty's government in the matter.

I am, &c.,
(Signed) A. H. LAYARD.

No. 4.

The law-officers of the Crown to Earl Russell.

LINCOLN INN,
November 14, 1864. (Received November 15.)

Opinion of law-officers.

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 12th instant, stating that he was directed by your lordship to transmit to us a copy of a dispatch received on the 12th instant from Her Majesty's consul at Teneriffe, reporting the circumstances under which a number of men had been landed at that port from the British steamer Laurel, and the part taken by that vessel in the equipment at sea of the British steamer Sea King as a vessel of war of the government of the so-called Confederate States; that Mr. Consul Grattan states that he had taken the depositions, on oath, of four of the seamen of the Sea King who were landed from the Laurel, and that he had deemed it proper to send Captain Corbett to England in safe custody, to answer a charge of having infringed the foreign enlistment act.

That your lordship had ascertained that the depositions had not yet reached the board of trade, and that your lordship was unable, therefore, at present to submit them for our consideration; and Mr. Layard was directed, however, to send us at once the consul's dispatch, as well as a copy of a telegram received at the board of trade announcing the arrival of twenty-two of the men at Liverpool; and to request that we would take these papers into consideration, and furnish your lordship with our advice as to the course which should be adopted by Her Majesty's government in this matter.

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[1] No. 1.

We are also honored with Mr. Layard's letter of this day's date, forwarding the depositions in the case of the Sea King.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That we think the depositions taken at Teneriffe, and forwarded to Her Majesty's government by Mr. Consul Grattan, do not support the conclusion arrived at by the consul, that Captain Corbett (whom we understand to have been in command of the Sea King until she was handed over to certain agents of the Confederate States off Desertas) is chargeable with any offense against the foreign-enlistment act.

[483] To constitute an * offense under the seventh (the equipment) clause of that act, there must have been an equipment, &c., with a view to employment in the belligerent service of a foreign power within some part of the United Kingdom or of Her Majesty's dominions beyond the seas. In like manner, to constitute an offense (by a person not himself enlisting, &c.,) under the second section, such person must have been concerned, within the United Kingdom, or in some part of Her Majesty's dominions elsewhere, in inducing or procuring others to enlist, &c., of to go, or agree to go, or embark for some part of Her Majesty's dominions for the purpose, or with intent, to be enlisted, &c.; and to constitute an offense under the sixth section, the master or other person in command of a ship or vessel in some part of the United Kingdom or or Her Majesty's dominions beyond the seas must knowingly and willingly have taken, or engaged to take, on board persons who had enlisted, or had agreed, &c., to enlist, &c., or who were departing from Her Majesty's dominions for the purpose and with the intent of enlisting, &c.

In every one of these cases the criminal act must have been committed within some part of "Her Majesty's dominions;" a word which, as here used, does not (in our opinion) include a British ship on the high seas. But all the facts mentioned in these depositions appear to have taken place upon the high seas, beyond the limits of Her Majesty's territory. It is, indeed, not improbable that, in the preparation of the Sea King for her voyage, (if she went to sea under Captain Corbett's command from any port in this country,) an offensea gainst the seventh section of the act may have been committed. It is also possible that the officers and men, or some of them, may have been hired and taken on board in this country with a view to employment in the confederate service, so as to constitute offenses against the second and sixth sections, or one of them. But there is no evidence to support either of these conclusions in the depositions taken at Teneriffe by Consul Grattan.

All, therefore, that we can now advise your lordship to do is to direct that the twenty-two men, or some of them, who have just landed at Liverpool, be immediately examined by the solicitor to the treasury or some person deputed by him, and their evidence reported to us; and that the solicitor be directed to obtain such other information as may be accessible in this country with respect to the previous history of the Sea King, the nature and circumstances of her equipment, the engagements of her crew, and the persons concerned therein, if there should be reason to believe that she sailed from this country with the view of being employed as a ship of war in the confederate service.

We have, &c.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 5.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *November* 15, 1864.

SIR: I am directed by Earl Russell to request that you will state to the lords commissioners of Her Majesty's treasury that a dispatch was received on Saturday last from Her Majesty's consul at Teneriffe, reporting that he had sent home under arrest Mr. P. S. Corbett, the master of the steamer Sea King, on a charge of having violated the foreign-enlistment act, and that Lord Russell has reason to believe that the law-officers of the Crown, to whom his lordship submitted the consul's dispatch, as well as the depositions taken by him at Teneriffe from four of the crew of the Sea King, will advise Her Majesty's government that the solicitor to the treasury should be sent at once to Liverpool to take the depositions of the late crew of the Sea King, who, to the number of twenty-two, were reported, in a telegram received at the board of trade yesterday, to have reached Liverpool.

Treasury solicitor directed to make inquiry on return of seamen to England.

I am accordingly to request that you will move the lords of the treasury to instruct their solicitor to hold himself in readiness to proceed to Liverpool for the above-mentioned purpose by this evening's train, or as soon as the report of the law-officers shall have been communicated officially to the treasury.

I am, &c.,

(Signed) E. HAMMOND.

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[484]

*No. 6.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *November* 15, 1864.

SIR: I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir G. Grey, a copy of a dispatch from Her Majesty's consul at Teneriffe,[1] reporting the circumstances under which he had sent to this country, under arrest, Mr. P. S. Corbett, the master of the steamer Sea King, who, with forty-two seamen from that vessel, had been landed at Teneriffe from the steamer Laurel. I am also to transmit to you, for Sir G. Grey's information, a copy of a letter which has been this day addressed to the treasury with reference to this matter.[2]

I am, &c.

(Signed) E. HAMMOND.

P. S.—I am further to transmit to you herewith copies of a report which has just been received from the law-officers of the Crown, and of a letter which, by Lord Russell's direction, I have addressed to the treasury on this subject.[1]

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[1] No. 1.

[2] No. 5.

No. 7.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *November* 15, 1864.

SIR: With reference to my letter of this day's date, respecting the case of the Sea King, I am directed by Earl Russell to transmit to you, together with the dispatch from Her Majesty's consul at Teneriffe and the depositions therein referred to, a copy of a report from the law-officers of the Crown,[2] in which they advise that the twenty-two men, or some of them, who have just landed at Liverpool, should be immediately examined by the solicitor to the treasury, or some person deputed by him, with a view to their evidence being reported to the law-officers, and that the solicitor should be directed to obtain such other information as may be accessible in this country with respect to the previous history of the Sea King, the nature and circumstances of her equipment, the engagement of her crew, and the persons concerned therein, if there should be reason to believe that she sailed from this country with the view of being employed as a ship of war in the confederate service.

I am accordingly to request that you will move the lords commissioners of Her Majesty's treasury to give immediate directions to their solicitor, in conformity with the law-officers' report.

I am, &c.,
(Signed) E. HAMMOND.

No. 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 18, 1864. (Received November 19.)

Representation by Mr. Adams.

MY LORD: I now have the honor to submit for your consideration a copy of a letter from the consul of the United States at Liverpool, T. H. Dudley, esq., covering the depositions of two seamen on board of the steamer Sea King, who have returned to that place. It will be seen from these that the statement which I had the honor to make to your lordship in my note of the 10th instant, on the subject of Captain Semmes, is sustained in every particular.

I pray, &c.
(Signed) CHARLES FRANCIS ADAMS.

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[1] Nos. 4. and 7.

[2] Nos. 1 and 4.

[485] *[Inclosure 1 in No. 8.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, November 16, 1864.

Report of Consul Dudley.

SIR: I have now to inform you that the English steamer Laurel, which sailed from this port, as was at the time supposed, on a piratical cruise against the United States on the 9th of October last, with confederate officers and English seamen, many of whom had belonged to the pirate Alabama, and the English steamer Sea King, that sailed from London on the 8th of the same month, met at the Island of Madeira on the 18th of October. The Sea King, on her arrival, signalled to the Laurel to come out; the Laurel then steered for the Island of Porto Santo, which is within sight of Madeira, and some twenty-six miles distant, where she anchored within a quarter of a mile from the shore. The Sea King followed, and also anchored within a quarter of a mile from the shore, when the Laurel came alongside, made fast, and immediately began to transfer the guns, (six in number,) gun-carriages, shot and shell, powder, &c., and the officers and men she brought from England, to the Sea King. Captain Corbett, of the Sea King, then called all the men aft, told them he had sold the vessel to the confederates, and that she was to become a confederate cruiser, to burn and destroy merchantmen and whalers, like the Alabama, and advised them all to join her. After great efforts some of the crew of the Sea King and some of the crew of the Laurel, after having been supplied with liquor, and under its influence, were induced to enlist on her. The commander, dressed in a gray uniform, supposed to be Captain Semmes, was then introduced to the men by Captain Corbett; he told them that the Sea King was now the confederate steamer Shenandoah. The men who refused to enlist in the Shenandoah were taken in the Laurel and conveyed to Teneriffe, from where they, with Captain Corbett and his officers, were brought to this port on the 13th instant in the steamer Calabar. When they left the Sea King, now called the Shenandoah, she had the confederate flag flying, and had entered, no doubt, upon her cruise of burning and destruction. The men who refused to enlist on board were told when they reached Teneriffe that they must say they were destitute British seamen, and that their vessel was lost. Those who returned to this port were paid off on Saturday and yesterday at the Sailors' Home in Liverpool. Three months' extra wages were given to each man in addition to what was due him; the clerk of Mr. Wright, the owner of the vessel when she sailed, paying the money. The owner of the Sea King, Richard Wright, is a British subject and merchant, residing in Liverpool. He was in the vessel when she sailed and accompanied her as far as Deal. Captain Peter S. Corbett and his officers, who took her out, were also British subjects. Henry Lafone, the owner of the Laurel, is also a British subject and merchant, residing in Liverpool. Captain Ramsey, who commanded the Laurel, is likewise a British subject. Both vessels, the Sea King and Laurel, are British, were built on the Clyde, and sailed under the English flag. The men from the Laurel and Sea King who enlisted are British subjects. The armament, shot, shell, gunpowder, and everything, down to the coal in the hold, are English, all the produce or manufacture of Great Britain. Even the bounty-money paid for enlisting the men was English sovereigns, and the wages to be paid for the cruise is contracted for and to be paid in English coin—pounds, shillings, and pence. It seems to me that nothing is wanting to stamp this as an English transaction from beginning to end, and the vessel now called the Shenandoah as an English piratical craft, without regard to the colors she may display or show when in chase of a peaceful merchantman or whaler, or when she lights up the ocean with her fire. Captain Corbett and his officers, and Richard Wright and Henry Lafone, no doubt, are now in Liverpool rejoicing over the successful exploit in setting afloat another vessel to destroy and burn peaceful ships belonging to the people of the United States. I inclose you copies of the affidavits of John Hercus and John Wilson, two of the crew of the Sea King now in Liverpool, establishing the above facts.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

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[486] *[Inclosure 2 in No. 8.]

Deposition of John Hercus.

John Hercus, residing at Sailor's Home, in Liverpool, being sworn, says:

Deposition of John Hercus.

On or about the 25th of September last past, I and John Wilson, a ship's carpenter, were looking for a ship in London, and went on board the steamship Sea King, lying in the East India dock, and spoke to the chief mate. He pointed out the captain, whose name we were informed was Corbett, and we spoke to him about going on the ship. He asked us if we were single men, and said he wanted all single men if he could get them. He told me that the ship would be ready in ten days or a fortnight, and if I liked to wait he would give me the chance. He asked the carpenter if he could come to work at once, and he agreed to do so, and went to work next morning. On or about the 5th of October I went to the Sailors' Home, and there signed articles as able seaman at £2 10*s.* a month for a voyage to Bombay, thence to any port or ports in the Indian Ocean, or China Seas, Japan, or Australian colonies, Pacific or Atlantic Oceans, and back to a port in the United Kingdom, voyage not to exceed two years. I received a note for a month's advance, which I got cashed at Isabella Calder's, No. 6 Bird street east, London.

On Friday, the 7th of October, I took my clothes on board, when we were told she was not going until Saturday morning the 8th.

On the next morning, Saturday, the 8th, about half past 3, I went on board. She was then at the dock-gates, ready to go into the river. Between 5 and 6 she got steam up, and steamed down the river under command of Captain Corbett, the same who engaged me on the 25th of September. On our way down the river we ran into a sloop and carried away her mast. We stopped off Deal, and the carpenter and cook came on board there; and a Mr. Wright, whom I recognized, having seen him before, and who, I was told, was the owner of the Sea King, went on shore.

We steamed down Channel, and the next day, or next but one, when we got clear of the land, the screw was hauled up, and we kept going under easy canvas until within a day's sail from Madeira. We then got steam up again and steamed for Madeira, where we arrived on Monday afternoon, about the 17th October. We went abreast and then went back; dodged off until daylight next morning, when we went abreast of the port, and signalled a small screw-steamer lying in the port, and she answered. We then steered out seaward.

The small steamer before-mentioned immediately followed and came to us. We then made all sail and steam, the other vessel following, and went to a small island within sight of Madeira. There we anchored in 17 fathoms water, and the other vessel, which proved to be the Laurel, of Glasgow, (which I saw marked on the boats,) came alongside.

We, the crew of the Sea King, were then ordered to get ready purchase for lifting heavy weights, which we were told were told guns from the Laurel. A man who came from the Laurel, and who was addressed as the gunner, told me that some of the cases weighed three tons and a half, and contained 68 and 32 pounders, with a quantity of shot and shell; and there were a number of barrels—60 or more—containing powder.

We worked from about 3 o'clock that (Tuesday) afternoon until about 2 the next morning. We then rested about two hours and were then set to work again, and worked until about 10 in the (Wednesday) morning, transshipping the guns, cases of shot and shell, barrels of powder, a number of bales and cases of light goods. While transshipping the guns, one of the cases caught the rail and caused the seam to open, so that I could put my hand in, which I did, and felt the gun. I remarked to the gunner that it was a big gun, and he said, "Yes, it was a 68-pounder." We were in a great hurry, and not particular in the way we handled the boxes, and in putting the shot and shell into the hold of the Sea King some of the boxes broke, and I saw the shot and shell.

We were then called aft, and as we went an iron safe was hoisted from the Laurel, and I and a number of others were ordered to carry it aft into the cabin, which we did. It was as much as four of us could manage, and by the rattling sound we judged it contained money.

The cases of guns, safe, &c., were got up on the deck of the Laurel by her men, then made fast to our purchases and swung aboard the Sea King. Captain Corbett was superintending the transfer and giving orders.

A few minutes after we had got the safe into the cabin the chief officer, Mr. Osmond, called us all aft and we went. Captain Corbett then came out and said, "Now, men, I have sold the ship to the confederates, and all you men who like to join I'll give you two months' wages." We asked him what she was going to do, and he said she was going to be a confederate cruiser, same as the Alabama, but she was not going to fight. He said, [487] "As *you are all young men, I advise you to join her, as you will make a fine thing of it." He said she would give us £4 a month and £10 bounty, and tried all he could to persuade us to join. I said I should not join, but four others said they would. One was a fireman, one an engineer, and two were ordinary seamen. They were under the influence of liquor, which had been supplied freely to all who would take it since we commenced taking in the guns. When they found us unwilling to go, the wages and bounty were increased, until we were offered £7 a month and £16 bounty, and to sign the articles for six months. A bucket containing sovereigns was brought on deck, and the officers took up handfuls to tempt the men on deck. The four who consented to go went into the cabin, and I afterward saw one of them with 28 sovereigns in his hand. Captain Corbett, about an hour afterward, came to me and the others who refused to join, and said, "Now, men, follow me; I am off;" and we went with him on board the Laurel and took our things.

About forty persons came on board the Sea King from the Laurel, including seven or eight of the crew of the Laurel, the others being passengers.

One of the men of the Laurel pointed out a man on the bridge of the Sea King, and said he was Captain Semmes. He was one of the passengers who came from the Laurel; and the officers who tried to induce us to go were also passengers from the Laurel. Some of the other passengers from the Laurel told me they were sailors, and had come to join.

When we got on board of the Laurel a bark hove in sight, and the Laurel cast off from the Sea King and steered toward her. The bark hoisted English colors, and the Laurel then went back toward the Sea King, and made to her a signal, which I was told meant "all right."

The Sea King then hoisted the confederate flag and got under way, and we steered toward Teneriffe. We did not see the Sea King afterward.

Up to the time of the transfer of the guns, they, the Sea King and the Laurel, were under the English flag, and hoisted it to each other on the way from Madeira to the island.

When the American officers who came from the Laurel to the Sea King were trying to persuade us to go in her, they said, "You had better go in the Shenandoah," which the Sea King was to be called. They promised us the best of living, and said that the best of the provisions would be taken out of prizes, and all that were then aboard which were no good would be thrown overboard.

We were kept on board the Laurel at Teneriffe until she had coaled and was ready for sea.

The mate came to us and said that Captain Corbett had sent him to say that we were to say on shore that we were distressed British seamen and had been shipwrecked.

After we got ashore some of the men got too much liquor, and were kicking up a row at the hotel, and the captain gave them in charge of the police, and they were put in jail. He told us the quieter we kept about the affair the better it would be for us. We said if he did not get us better living we should go to the English consul, and he said we might. We went to him and he took our statements, and said he should send it to the board of trade in Liverpool.

The Calabar mail-steamer was then expected, and when she arrived Captain Corbett told us we were to go home in her as passengers, and we came in her along with Captain Corbett and the mate and the second mate of the Sea King.

The mate told us last night we should be paid off to-day at the Sailors' Home. I went to the pay-office this morning and received an account of wages from the shipping master, signed "W. W. Tucker." Some of the men took their pay and were paid three months' extra.

Both Captain Corbett and the men who engaged in the Sea King, as stated, were Englishmen. I believe Captain Corbett lives in Liverpool.

(Signed) JOHN HERCUS.

Sworn before me at Liverpool this 12th day of November, 1864.

(Signed) T. S. RAFFLES,
Police Magistrate.

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[488] * [Inclosure 3 in No. 8.]

Deposition of John Wilson.

John Wilson, a carpenter, residing in London, but a native of Scotland, being duly sworn, says:

Deposition of John Wilson.

I am a ship-carpenter, and in the month of September last I and John Hercus were looking for a ship in London, and went on board the steamer Sea King, then lying in the East India dock, and spoke to the mate. He told me they wanted a carpenter. The captain was not on board at the time; he soon came. I stopped until he came. I then asked him if he wanted a carpenter. He said, Yes, and asked me if I was married or single, and said he wanted all single men; that there would be no monthly money. This was Captain Corbett. We agreed upon wages at £6 6*s.* per month, and I went to work next day. I signed articles on the 5th of October, in Mr. Green's Sailors' Home in London, for a voyage to Bombay, thence to any port or ports in the Indian Ocean or China Seas, Japan, Australian colonies, Pacific or Atlantic Oceans, and back to port of discharge in the United Kingdom, voyage not to exceed two years. I received a note at the time. I signed for one month's wages in advance. I got this note cashed by a man by the name of Thompson. I think his name is James. He is a tool-merchant. His place of business is St. George's street, east, London. I missed the vessel when she sailed from London on the morning of the 8th of October. I went to

Deal and there took a small boat from the shore, and, with the cook, who was with me, went on board the Sea King the same day. When I got on board the Sea King, I found her under the command of Peter S. Corbett, the captain who engaged me. Mr. Essmand was first officer and Mr. Smith second officer. Mr. Wright, the owner of the vessel, was also on board at the time, but left soon after I reached the vessel. We then made steam and sail, and went as fast as they would carry us until we got out of the Channel. We then shortened sail and put her under double-reefed topsails, and hoisted up the screw, and put the fires out in the furnaces, and made toward the Island of Madeira under easy sail. We remained in this way for five days, until Monday morning, the 17th of October, when the fires were again lighted in the furnaces, the screw lowered, and the vessel put under steam. That evening we were off Madeira. We beat on and off during the night. In the morning we went up off the town, and signalled a small steamer lying at anchor with her steam up. I could see this at the time. She answered the signal, and came immediately out to us, and proved to be the Laurel. She took the lead, and we followed her to the Island of Porto Santo. The Laurel anchored within a quarter of a mile from the shore, in seventeen fathoms water. We came up to her. She immediately gave us the soundings, and told us to let go our anchor and she would draw up to us. We did so, and she came up alongside and made fast to us fore and aft. This was about 2 o'clock, on Tuesday, the 18th October, 1864. We were then ordered by Captain Corbett to get tackling aloft, and to prepare for hoisting in large cases from the steamer Laurel. I, with all hands, assisted in this. We then commenced taking in from the Laurel guns, gun-carriages, shot, shell, powder, clothing, goods, &c. We took in six guns, four 68-pounders and two 32-pounders, with carriages to mount them on the deck of the Sea King. There were a very large quantity of shot and shell, and some fifty or sixty barrels of powder. There were also three or four small brass swivel-guns—I should say 3-pounders or 4-pounders—and a great many cases and bales of clothing, goods, &c., and many cases marked "Glass, with care." I do not know what they contained. The last thing we took in was a safe, very heavy. Captain Corbett, of the Sea King, and his officers, and Captain Ramsey, of the steamer Laurel, superintended and assisted in the transfer of the armament from one vessel to the other. We continued working until 2 o'clock on Wednesday morning, when we were knocked off for two hours' rest. We went at it again, and continued until about 10 o'clock, when we finished. During the whole of this time the Sea King remained at anchor within a quarter of a mile from the shore. The fires were kept in the furnaces, and steam up on both vessels, from the time we arrived at Porto Santo until we left. About one hour after we came to anchor, Mr. Essmand, the first officer of the Sea King, came to me and told me to have one of the shackle-pins started, and ready to slip the cable at a moment's notice. I did so, and I had it all in readiness during the whole of the time we were there. The Sea King had two guns on board mounted on her decks when she left London; they were about 12-pounders. She had also a very large quantity of provisions and about 700 tons of coal.

After we had finished taking in the things from the Laurel, the mate came and called all hands aft, and said the captain wanted to see us. We all went and gathered [489] *round the cabin-doors, and Captain Corbett came out and said, "Well, men, I have sold the ship to the confederates; she is to belong to their navy to be a cruiser, to burn and destroy merchant-vessels and whalers in particular. She is not to fight, but merely to take prizes, and there will be a first-rate chance for any of you young men who will stop by the vessel, and I should advise you all to do it." The general reply made by the men was that we did not want anything to do with her. The new captain then came out of the cabin and asked if we would not join. He was dressed in a gray uniform. Captain Corbett introduced the man when he came out as the American officer who was to have the command of the ship, but did not mention his name; said he would pay the seamen £4 per month and £10 bounty. One of the engineers, one of the firemen, and two of the seamen consented to join, and took the bounty and signed the articles. The officer in uniform, when he came out to us, announced that the Sea King was now the Shenandoah, of the confederate navy. Liquor had been served among the men during the time we were making the transfer in profusion. Some were under its influence. It was brought round twice after we got through and offered to the men. They made great efforts to induce the men to join. They raised the wages to £7 and £15 bounty for able seamen. They offered me £16 a month and £15 bounty. I declined to accept it or to stop with them on any terms. A bucket of sovereigns was brought out on the deck to tempt the men to join. A portion of the crew of the Laurel joined. The person whom Captain Corbett introduced to us as the commander of the Shenandoah came out on the Laurel. There were a number of others who also came out on the Laurel; I should say about forty. We left them on board the Shenandoah. Some were acting as officers. One of them, pointing at the commander, who was standing on the deck, said he was Captain Semmes. The chief engineer of the Laurel, who came to Liverpool with us, also told me while we were coming home that it was Captain Semmes who had taken command, and that they had taken him out with them in the Laurel. Captain Corbett came out of the cabin and told us he was off, and bid us follow him. We took our things and went on the Laurel with him. They were then unfastened. A bark at the time was running down the island. We steamed out and met her with the Laurel, leaving the Sea King where she was. The bark raised the English ensign. When we saw this we took a sweep round her and went back to the Sea King, or Shenandoah, and told her it was all right. We remained for about three hours after this, waiting for the dispatches from the Shenandoah. They were brought to us in the Laurel's boat about twenty minutes before we left, and after the bark had gone round the corner of the island the Shenandoah hoisted the confederate flag, and the Laurel hoisted the English. These flags remained flying until the vessels got out of sight. She seemed to be going to the west when we last saw her, and we stood for Teneriffe. The steamer Laurel was in command, during the time, of Captain Ramsey. We arrived at Teneriffe on Friday, the 21st October. We were not permitted to go on shore or any boats allowed alongside until Saturday, and until after she had coaled. After she had coaled, got up her steam, and was ready to sail, we were permitted to land. Within an hour after we left her she was out of sight. The men were told before they left the Laurel that if any one asked us after we got on shore where we were from, that we must tell them that we were distressed British seamen and had lost our ship. Some of the men made a complaint to the British consul at Teneriffe, but I did not do so. Captain Corbett paid my board at Teneriffe, and my passage home to Liverpool on the English steamer Calabar, which arrived here on Friday morning last, and did the same for the other men. The officers, including the captain who went out in the Sea King, except one of the engineers, came to England with us. Captain Corbett offered to pay us two months' extra wages and to pay our expenses back to England before we left the Sea King. This was after we had refused to join. We declined to take this, and he then said he would bring us back to England, and what the law would allow us we would get. After we had arrived in Liverpool the first mate told us they would settle with us the next day at 11 o'clock, at the Sailors' Home in Liverpool. We went at the time, and one of Mr. Wright's clerks (the owner of the Sea King) was there, and, with the first mate, made out the accounts. They offered us all three months' extra wages if we would sign clear of the ship. Some took this at once. I refused at the time, but agreed this morning to receive it. They paid me £19 17*s.*, and I signed clear of the vessel. Mr. Wright's clerk paid me the money. The Sea King was under the English flag when she left London, and so remained until we left her and went on board the Laurel. The Laurel remained under the English flag all the time, or at least until she landed us at Teneriffe. Captain Corbett and Captain Ramsey are both British subjects. The officers who took out both the Sea King [490] and Laurel were also all British subjects. The *men who enlisted from the Sea King and those who enlisted from the Laurel to serve on the Shenandoah were also all British subjects.

(Signed) JOHN WILSON.

Sworn and subscribed to before me this 14th day of November, 1864.

(Signed) J. PEARSON,
A Commissioner to Administer Oaths, &c.

No. 9.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 19, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, inclosing copies of a letter from the United States consul at Liverpool and the depositions of two men who lately formed part of the crew of the steamer Sea King.

I am, &c.,
(Signed) E. HAMMOND.

No. 10.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN,
December 1, 1864. (Received December 1.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 19th ultimo, stating that, with reference to our report of the 15th November, he was directed by your lordship to transmit to us a letter from Mr. Adams, inclosing copies of the depositions of two men who lately formed part of the crew of the Sea King, and to request that we would take these papers into our consideration and favor your lordship with such observations as we might have to offer thereupon.

Further opinion of law-officers.

Mr. Hammond was also pleased to state that we should observe from the accompanying draught of a letter to the treasury that the lords commissioners have been requested to instruct their solicitor to take the depositions and to proceed in this case in other respects in the manner recommended in our report, and that a dispatch of Mr. Consul Grattan was also inclosed.

In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—

That, in our opinion, the depositions now forwarded by Mr. Adams are sufficient to prove that Captain Corbett did, in this country, engage and procure the deponents to serve as sailors on board the Sea King, which ship, from the whole of the evidence in the case, we infer to have been then a vessel intended by him to be used (after she should have been taken to the Azores) in the confederate service. These facts raise questions similar to those which were involved in the cases of the seamen on board the Georgia and Rappahannock, except that none of these particular deponents accepted the confederate service when the true object of the voyage was disclosed to them. Those questions upon the construction of the act are not free from difficulty, but in some of the other cases convictions have been obtained and submitted to, and we think that, even if there were no other point arising upon his acts when he handed over the ship to her confederate commander, it would be proper, upon this evidence, that Captain Corbett should be prosecuted for a violation of the second section of the act, by procuring, or attempting to procure, these men, and others unknown, to serve and be employed, &c., or to go and embark from Liverpool, for the purpose or with intent to serve or to be employed, &c., contrary to that section.

Captain Corbett to be prosecuted.

We further think, on more deliberate consideration, that if the Sea King ought to be deemed (as *prima facie* we think she may be) to have been still a British ship when Captain Corbett endeavored to induce the men on board her to accept the confederate service, the question whether her deck was not then "a place belonging or subject to Her Majesty" is a serious one, which ought also to be raised by the indictment. In our former report we stated that we did not think a British merchant-ship at sea was included within Her Majesty's "dominions," in the sense of the act; but in the second clause there [491] *are also the other and larger words above noticed, to which we did not then advert, and which might, perhaps, receive a more extensive construction.

We have, &c.,

(Signed)

ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 11.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *December* 2, 1864.

SIR: With reference to my letter of the 15th instant, I am directed by Earl Russell to transmit to you a copy of a note from Mr. Adams,[1] inclosing copies of a letter from the United States consul at Liverpool and of the depositions of two seamen on board of the steamer Sea King, who have returned to this country. I am also to transmit to you a copy of a report from the law-officers of the Crown,[2] stating that they are of opinion that it would be proper upon the evidence thus furnished, that Captain Corbett should be prosecuted for a violation of the foreign enlistment act.

I am accordingly to request that you will lay these papers before Secretary Sir G. Grey, and move him to give directions for the immediate prosecution of Captain Corbett, in conformity with the law-officers' opinion; and I am to suggest that as the depositions which were sent me by Her Majesty's consul at Teneriffe were forwarded in original to the treasury, Sir G. Grey should obtain from that department any of those papers which may be required for the prosecution, as well as any further evidence which may have been collected by the solicitor of the treasury, in conformity with the recommendation of the law-officers, contained in their report of the 15th ultimo.

I am, &c.,
(Signed) E. HAMMOND.

No. 12.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *December* 8, 1864.

MY LORD: I transmit herewith, for your information, a copy of a dispatch from Her Majesty's consul at Teneriffe,[3] stating the circumstances under which the steamship Sea King has come into possession of officers of the Confederate States.

I have at the same time to acquaint you that Her Majesty's government took immediate steps, on the arrival in England of the men referred to in Mr. Consul Grattan's dispatch, who had formed part of the crew of the Sea King, to make an investigation into the circumstances of the case; and that, under the advice of the law-officers of the Crown, Her Majesty's government have given directions that Captain Corbett shall be prosecuted for violation of the foreign-enlistment act.[4]

I am, &c.,
(Signed) RUSSELL.

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[1] No. 8. [2] No. 10. [3] No. 1.

[4] Captain Corbett was committed for trial at Bow street, January 5, 1865, and tried at the court of Queen's bench, November 29 to December 1. The jury found a verdict of "not guilty."—Daily News, January 6; Times, November 30; Daily News, December 2, 1865.

[492] *No. 13.

Clearance and specification of cargo of Laurel from Liverpool; and registry and shipping articles of Sea King.

Clearance of Laurel.

CONTENT.

No. 7. Official No. 47819. Port No. 111. October 24, 1864.

Port of Liverpool, 3,718. Pilot —— ——.

Ship's name and destination.	Tonnage and number of guns.		If British, port of registry; if foreign, the country.	Number of crew.	Name of master.	Nummber of passengers or troops.
	Tons.	Guns.				
Laurel steamship, for Matamoras, via Havana and Nassau.	269	None	Glasgow	40	John Francis Ramsey	None.

Warehoused and transshipment goods.				Drawback and restricted goods.			
Marks.	Numbers.	Number and description of packages.	Remarks.	Marks.	Numbers.	Number and description of packages.	Remarks.
3918	....	2 boxes tea	Warehoused	AS	....	1............	Warehoused. One certificate.

CUSTOMS, *Liverpool, September* 12, 1871.

I certify that the above and within is a correct copy of the customs clearance of the Laurel, for Matamoras, &c., cleared 8th October, 1864.

(Signed) W. O. TWEED,
Principal Clerk, Bill of Entry Office.

British goods and foreign goods free of duty, and foreign goods not for drawback:
Sundry packages British and foreign goods free of duty.

Cleared—
Dated October, 1864.

H. LAFONE,
Broker.

Examined.
(Signed) ROBERT M. GREEN,
Searcher.

I do declare that the above content is a true account of all goods shipped or intended to be shipped on board the above-named ship, and correct in all other particulars, and that all the requirements of the act 17 and 18 Victoria, cap. 104, have been duly complied with.

(Signed) J. F. RAMSEY,
Master.

Signed and declared this 8th day of October, 1864, before me.
(Signed) J. MONKHOUSE,
Collector or Comptroller.

H. LAFONE.
Pro GEO. RIND,
R. M. WILLIAMS.

Examined, A. WALL, 12th September, 1871.

[493] *Bill of entry office, custom-house, Liverpool.

N. B.—This is the only office authorized to furnish information to the public, in manuscript, from the official records of the customs.

Laurel for Matamoras *via* Nassua—Cleared October 8, 1864.

				£.
William Connor, 13 Tempest Hey	H[W]H..	6 cases 5 casks 1 bundle	8 tons, gun-carriage	530
		21 cases 119 boxes	18 tons, iron shot	480
	[W]C..	24 barrels	3480 yards, blankets (woolen)	650
		2 barrels	wearing apparel	80
		7 cases	800 pairs boots	300
	S[W]S..	1 case 4 casks	12 cwt. hardware	15
		7 boxes	7 cwt. soap	10
		2 barrels	700 yards woolens	70
	[B]....	1 case	2½ cwt. hardware	6
	C[W]P..	2 cases 60 barrels	Ammunition	250
	[W]...	18 cases	10 tons machinery	1200
Evans, Sons & Co., for Nassua	M[W]S..	1 case	cotton smallwares	14
		7 cases	14 gallons brandy	21
		19 cases	medicinal drugs	80
T. F. Ashe, for Nassau	M[W]S..	2 cases	1 F. 7 A. beer	3
			glass	1
R. Roberts & Co., for Nassau		1 box	20 lbs. tea	Whd.
			12 lbs. tea	Whd.

I certify that the above is correctly copied from the customs bills of lading per Laurel, steamship, for Matamoras, &c. Cleared 8th October, 1864.

(Signed) W. O. TWEED,
Principal Clerk, Bill of Entry Office.

CUSTOMS, *Liverpool, September* 12, 1871.

Examined.
(Signed) A. J. FALL.
SEPTEMBER 12, 1871.

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[494] *FORM NO. 19.—NOVEMBER, 1864.

Register for transmission to chief registrar of shipping.

Official number of ship, 48547.—Name of ship, Sea King.

Port No.	Port of registry.	British or foreign built.	Whether a sailing or steamship; if steam, how propelled.	Where built.	When built.	No., date, and port of previous registry, (if any.)
C 439	London	British	Screw	Glasgow, Lanark	October 2, 1863.	

Number of decks.................Two.
Number of masts.................Three.
Rigged.............................Square.
Stern...............................Round.

Build..............Carvel.
Gallery...........None.
Head...............Demi-man.
Frame-work.......Iron; planking, wood.

TONNAGE.

	No. of tons.
Tonnage under tonnage deck	939.50
Closed-in spaces above the tonnage deck, if any, viz:	
Space or spaces between decks	

	No. of tons.
Poop	78.32
Round-house	
Other inclosed spaces, if any, naming them	
	1,017.82
Deduct allowance for propelling power	227.54
Register tonnage	790.28

Registry noted, 14th November, 1864. Information requested whether sold to foreigners.
(Signed) EDWARD SHEPPARD,
Registrar of Shipping, Port of London.

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore part of the stem under the bowsprit to the aft side of the head of the stern-post	223	2
Main breadth to outside of plank	32	6
Depth in hold from tonnage deck to ceiling at midships	20	6

Additional particulars for steamers.

	Tons.
Deduction for space required for propelling power	227.54

Length of engine-room (if measured)	feet	36
Number of engines		2
Combined power (estimated horse-power)		200

Reply.—No further information; 23d February, 1865.
(Signed) E. S.

Names, residence, and description of the owners, and number of sixty-fourth shares held by each owner:

William Wallace, of 26 Austin Friars, city of London, banker	40
John Wade and Henry Hewitson McMinnies, of 5 Newman's Court, Cornhill, city of London, ship-brokers and joint owners	16
John Pinel, of 5 Newman's Court, aforesaid, master mariner	8
Total	64

Dated 29th October, 1863.
(Signed) G. EVANS,
Registrar.

References to transactions.	Changes of masters.
7,074, 9, 64.	London, 30, 10, 63. J. Pinel, 45,327.
7,516, 10, 64.	London, 30, 9, 64. P. S. Corbett, 18,937.

I hereby certify that the foregoing copy of the register of the ship Sea King, of London, together with the annexed copies of transactions (two in number on two sheets) are true and correct transcripts of the original copies of the register and transactions placed on record in this office.
(Signed) H. MAYO,
Registrar General.

General Register and Record Office of Shipping and Seamen,
Adelaide Place, London Bridge, 10th November, 1871.

[495] *FORM No. 20.

Transactions subsequent to registry, for transmission to chief registrar of shipping.

Official number of ship.	Port.	Name of ship.	Number and date of registry.
48, 547	London	Sea King	439, 1863.

Number of transaction.	Letter denoting mortgages and certificates of mortgage.	Name of person from whom title is derived.	Number of shares affected.	Date of registry.	Nature and date of transaction.	Name, residence, and occupation of transferee, mortgagee, or other person acquiring title or power.
1	......	William Wallace	40	Sept. 20, 1864, 1.10 p. m.	Bill of sale, dated Sept. 20, 1864.	Richard Wright, of Liverpool, county of Lancaster, ship owner.
		John Wade .... Hy. Hewitson McMinnies.	16			
		John Pinel	8			
2	......	Richard Wright	64	Oct. 7, 1864, 3 p. m.	Certificate of sale, dated Oct. 7, 1864.	Peter Suther Corbett, master of the said ship.

Number and account of subsequent transactions, showing how interest disposed of.	Summary.					Remarks.
	Number of transaction under which title acquired.	Name of owner.	Mortgages and certificates of mortgages.	Names of mortgagees and attorneys under certificates of mortgage.	Number of shares.	
....	1	Richard Wright.	....	Total, Sept. 20, 1864.	64	G. Evans, registrar.
....	....	....	....	....	......	....

Empowering Peter Suther Corbett to sell the ship at any port out of the United Kingdom for not less than £45, 000 within six months from date of certificate.

(Signed.) EDWARD SHEPPARD, *Registrar.*

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[496] *(A)

Sanctioned by the board of trade, August, 1860.
In pursuance of 17 and 18 Vict., cap. 104.

Agreement of foreign-going ship.

Amount of fee, £2 10*s.* 6*d.*

Name of ship.	Official number.	Port of registry.	Port number and date of registry.	Registered tonnage.	Managing owner.
					Name.
Sea King	48, 547	London	439 1863	790	Richard Wright......

Managing owner.	Master.			Date and place of first signature of agreement including name of shipping office.
Address, (state number of house, street, and town.)	Name.	Number of certificate.	Address, (state number of house, street, and town.)	
Liverpool	Peter S. Corbett	18, 937	43, Philpot street, Commercial Road, London, E.	October 5, 1864. London, Poplar.

The several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom eighteen are engaged as sailors, hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from London to Bombay, (calling at any ports or places on the passage that may be required,) and, or any other ports or places in India and China, and or Japan, and or Pacific, Atlantic, or Indian Oceans, trading to and from as legal freights may offer, until her return to a final port of discharge in the United Kingdom, (or Continent of Europe, if required,) voyage not to exceed two years.

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services, to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale: And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency; and it is also agreed that the regulations, as authorized by the board of trade, which in the paper annexed hereto are numbered 2, are adopted by the parties hereto, and shall be considered as embodied in this agreement; and it is also agreed, that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require; and it is also agreed that no spirits are allowed. When the ship is not under steam, the firemen are to assist working ship, as may be required by the master; the seamen and firemen are to assist each other in the general duties of the ship, (when required.)

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Dated the 5th day of October, 1864.

(Signed) PETER SUTHER CORBETT,
Master.

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[497] *No. 14.

Mr. Hammond to Messrs. Robertson & Co.

FOREIGN OFFICE, *January* 27, 1865.

Inquiry made as to sale of Sea King.

GENTLEMEN: I am directed by Earl Russell to state to you that his lordship has been informed that the Shenandoah, a full-rigged ship of 1,100 tons and 250 horse-power, now stated to belong to the government of the so-called Confederate States, was formerly in the possession of your firm, at which time she bore the name of the Sea King; and I am directed to inquire whether you have any objection to inform his lordship of the circumstances under which you sold the vessel, and particularly whether she was sold to an agent of the so-called confederate government.

I am, &c.,
(Signed) E. HAMMOND.

No. 15.

Messrs. Robertson & Co. to Mr. Hammond.

5 NEWMAN'S COURT, CORNHILL,
London, January 28, 1865. (Received January 28.)

SIR: We beg to acknowledge receipt of your letter of yesterday, and to inform you that the Sea King was sold by us to a British subject, a Mr. Wright, of Liverpool, through the agency of Messrs. Curry, Kellock & Co., of Liverpool, brokers, in the usual way, and that the bill of sale, &c., passed through Her Majesty's customs in due order.

After the sale of the vessel we had nothing whatever to do with her, and she remained in dock for some weeks, and was entered out for Bombay, which port we were informed was to be her destination.

We are not aware, nor have we any knowledge, that any confederate agent had anything to do with the ship during her stay in this country.

The Sea King was only 150 horse-power, and not, as stated in your letter, 250.

We have, &c.,
(Signed) ROBERTSON & CO.

No. 16.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 1, 1865.

SIR: With reference to the case of the Shenandoah, I have the honor to inform you that, having ascertained the names of the brokers by whom that vessel had been sold, I caused them to be asked whether they had any objection to state the circumstances under which she was sold, and particularly whether she was sold to an agent of the so-called confederate States.

I have been informed by the brokers, in reply, that the Shenandoah, then the Sea King, was sold by them to a British subject at Liverpool in the usual way, and that the bill of sale, &c., passed through Her Majesty's customs in due order. The brokers further state that after the sale of the vessel they had nothing whatever to do with her, and that she remained in dock for some weeks, being entered out for Bombay.

The brokers add that they are not aware, nor have they any knowledge, that any confederate agent had anything to do with the ship during her stay in this country.

I am, &c.,
(Signed) RUSSELL.

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[498] ## *No. 17.

Mr. Burnley to Earl Russell.

WASHINGTON, *January* 20, 1865. (Received February 3.)

MY LORD: I have the honor to inclose a copy of a note which has

Representation from United States Government as to seamen of Florida about to be sent to join the Shenandoah.

been addressed to me by Mr. Seward, relative to the projected movements of the Shenandoah, lately called the Sea King, and of her crew.

I have communicated a copy of this note to the lieutenant governor of Bermuda.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure in No. 17.]

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, January 14, 1865.

SIR: I have the honor to state, for the information of the proper authorities of Her Majesty's government, that a reliable representation has been made to this department to the effect that the men of the late piratical steamer Florida, who went to Europe after the seizure of that vessel, have been ordered to rendezvous at Calais immediately, to join the pirate Shenandoah, lately called Sea King; that the Shenandoah will be found in the neighborhood of Bermuda; that the men will go to that place and be put on board by a blockade-runner; that the Shenandoah has only 43 men on board, of whom not more than 10 are sailors.

I have, &c.,
(Signed) WILLIAM H. SEWARD.

No. 18.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *February* 6, 1865.

SIR: I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir George Grey, a copy of a dispatch from Mr. Burnley,[1] inclosing a copy of a note addressed to him by Mr. Seward, respecting the movements of the Shenandoah, late Sea King, and the steps taken to provide that vessel with a crew.

I am, &c.,
(Signed) E. HAMMOND.

No. 19.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 17, 1865. (Received March 20.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, copy of a letter dated the 26th January last, from Commander King, the naval agent on board the contract steamer Bombay, respecting the Confederate States vessel of war Shenandoah, at anchor in Hobson's Bay, Melbourne.

I am, &c.,
(Signed) C. PAGET.

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[1] No. 17.

[499] *[Inclosure in No. 19.]

Commander King to Commodore Sir W. Wiseman.

BOMBAY, *Hobson's Bay, January* 26, 1865.

SIR: I conceive it to be my duty to report to you that a vessel of war of the Confederate States of America arrived and anchored in Hobson's Bay yesterday, the 25th instant.

Arrival of Shenandoah at Melbourne, January 25, 1865.

2. I this day went on board in a private capacity, and with the utmost courteousness was shown over the ship by Captain Waddell (her commander) and his first lieutenant.

3. Her name is the Shenandoah, a screw-vessel, 1,160 tons and 240 horse-power. She is strongly built, of iron coated with wood, and copper-bottomed. Her lower masts are of steel, and she is a roomy, well-regulated vessel, ship-rigged.

4. Her armament consists of eight guns, viz, four 8-inch, (English;) two 32-pounders, Whitworth; and two 12-pounders, intended more especially for boat service.

5. The crew at present consists only of 70 men, though her proper complement is 140. The men almost entirely are stated to be either English or Irish.

6. Captain Waddell informed me that the Shenandoah is fast under canvas, and steams at the rate of thirteen knots; that she is fourteen months old, and was turned into a man-of-war on the ocean. He also told me that he had lately destroyed nine American vessels.

7. It is suspected that the Shenandoah was lately called the Sea King, and that remains of the old letters are still perceptible; but of that I cannot speak from personal observation.

8. The ship appears to be in good order; her officers a gentlemanly set of men, in a uniform of gray and gold; but from the paucity of her crew at present, she cannot be very efficient for fighting purposes.

9. Leave had been asked by the commander for permission to coal and repair machinery, &c., but up to 2 p. m. no answer had been received.

10. At present there are not more, I believe, than three American merchant-vessels in Hobson's Bay.

I have, &c.,
(Signed) HENRY KING.

No. 20.

Mr. Colquhoun to Earl Russell.

[Telegraphic.]

CAIRO, *March* 8, 1865. (Received March 20.)

Please forward the following, from Sir Charles Darling, Victoria, to Right Honorable E. Cardwell:

Confederate States sloop-of-war Shenandoah, Captain Waddell, arrived in Port Philip 25th January. Commander asked leave to land prisoners, coal, and repair machinery. A cabinet council held respecting her. It is understood she has received permission to make repairs.

No. 21.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *March* 20, 1865.

SIR: With reference to your letter of the 18th instant, I am directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, a copy of a telegram from Her Majesty's agent and consul-general in Egypt, reporting the arrival of the Shenandoah at Port Philip.[1]

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 20.

[500] *No. 22.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *March* 31, 1865. (Received April 1.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, with reference to my letter of the 18th instant and to your communication of the 20th instant, a copy of a dispatch from the governor of Victoria, reporting the arrival in Hobson's Bay of the Confederate States war-steamer Shenandoah.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 22.]

Governor Sir C. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *January* 26, 1865.

SIR: Since closing my dispatches for the mail, a Confederate States steamer of war, called the Shenandoah, but supposed to have been formerly the Sea King, has anchored in Hobson's Bay.

Report of Governor Sir C. Darling.

2. An officer was immediately sent by the commander, Lieutenant J. J. Waddell, to wait upon me, and present to me the letter of which the inclosed is a copy.

3. This communication was received at half past 8 o'clock p. m. yesterday. I caused its bearer to be informed that it should receive my early attention, and be replied to in the course of this day.

4. I have the honor to acquaint you that I shall consult with the executive council to-day upon Commander Waddell's application, and communicate to you the decision arrived at by telegram through Adelaide to-morrow.

5. The Shenandoah is said to be a Glasgow-built vessel. She is a screw-steamer of about 1,160 tons, 240 horse-power, carrying eight guns, said to be Whitworths; but my information on this subject is at present imperfect.

6. I shall notify the course I may pursue to the governors of the other Australian colonies by telegram this day, and shall make a similar communication to the governors of Tasmania and New Zealand and to Commodore Sir William Wiseman when opportunities offer.

7. The Shenandoah is the only vessel of war belonging to either the United States or the Confederate States which has appeared in Australian waters since the outbreak of the civil war.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 2 in No. 22.]

Lieutenant Waddell to Governor Sir C. H. Darling.

CONFEDERATE STATES STEAMER OF WAR SHENANDOAH,
Port Philip, January 25, 1865.

SIR: I have the honor to announce to your excellency the arrival of the Confederate States steamer Shenandoah, under my command, in Port Philip this afternoon, and also to communicate that the steamer's machinery requires repairs and that I am in want of coals.

I desire your excellency to grant permission that I may make the necessary repairs and supply of coals to enable me to get to sea as quickly as possible.

I desire, also, your excellency's permission to land my prisoners. I shall observe the neutrality.

I have, &c.,
(Signed) JAS. J. WADDELL.

[501] *No. 23.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 7, 1865. (Received April 8.)

Representation by Mr. Adams.

MY LORD: I have the honor to transmit to you a copy of a letter addressed to the Secretary of State at Washington by the consul of the United States at Rio Janeiro, Mr. Monroe, making a report of the depredations committed upon the commerce of the United States by the vessel known in the port of London as the Sea King, but since transformed into the Shenandoah by a process already fully explained in a note which I had the honor to address to your lordship on the 18th November last.

I regret to be obliged to add that this same vessel has been, since the date of Mr. Monroe's letter, heard of at Melbourne, from which place further details of similar outrages have been received. The particulars have been communicated to my Government, but there has not yet been sufficient time for me to obtain its instructions in regard to them. I cannot doubt, however, that they will be the same in substance as those embraced in the last dispatch.

Were there any reasons to believe that the operations carried on in the ports of Her Majesty's Kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented, I should not be under the painful necessity of announcing to your lordship the fact that my Government cannot avoid entailing upon the government of Great Britain the responsibility for this damage. It is impossible to be insensible to the injury that may yet be impending from the part which the British steamer City of Richmond has had in being suffered to transport with impunity from the port of London men and supplies, to place them on board of the French-built steam-ram Olinthe, alias Stoerkodder, alias Stonewall, which has, through a continuously fraudulent process, succeeded in deluding several governments of Europe, and in escaping from this hemisphere on its errand of mischief in the other.

I am by no means insensible to the efforts which have already been made, and are yet making, by Her Majesty's government to put a stop to such outrages in this kingdom and its dependencies. Neither can I permit myself to doubt the favorable disposition of her ministers to maintain amicable relations with the Government which I represent.

While perfectly ready to bear testimony to the promptness with which all the numerous remonstrances and representations which it has been my painful duty heretofore to submit have been met and attended to by your lordship, it is, at the same time, impossible for me to dispute the fact that the hostile policy which it is the object of all this labor to prevent has not only not been checked, but is even now going into execution with more and more complete success.

That policy, I trust I need not point out to your lordship, is substantially the destruction of the whole mercantile navigation belonging to the people of the United States. The nature of the process by which this is coming about may readily be appreciated by a brief examination of the returns of the registered tonnage of Her Majesty's kingdom for the last six years. I have the honor to append to this note a tabular statement of the number of merchant-ships built, and of the tonnage owned in the United States, which have been transferred to British owners in the successive years beginning with 1858 and ending in 1864 so far as the materials at hand from the official reports of the two governments can supply the information.

I trust that it will be needless for me to do more than to point out to your lordship the inference deducible from this statement, to wit: That the United States commerce is rapidly vanishing from the face of the ocean, and that that of Great Britain is multiplying in nearly the same ratio. Furthermore, it is my painful duty to suggest that this process is going on by reason of the action of British subjects, in co-operation with emissaries of the insurgents, who have supplied from the ports of Her Majesty's Kingdom all the materials, such as vessels, armament, supplies, and men, indispensable to the effective prosecution of this result on the ocean. So far as I am aware not a single vessel has been engaged in these depredations excepting such as have been so furnished. Unless, indeed, I might except one or two passenger-steamers belonging to persons in New York, forcibly taken possession of while at Charleston in the beginning of the war, feebly armed and very quickly rendered useless for any aggressive purpose. It may, then, on the face of this evidence, be fairly assumed as true that Great Britain, as a national power, is in point of fact fast acquiring the entire maritime commerce of the United States by reason of the acts of a portion of Her Majesty's subjects engaged in carrying on war against them on the ocean during a time of peace between two countries. I deeply [502] regret to be constrained * to add that every well-meant effort of Her Majesty's government to put a stop to this extraordinary state of things down to this time has proved almost entirely fruitless.

I would most respectfully invite your lordship to produce in the history of the world a parallel case to this of endurance of one nation of injury done to it by another, without bringing on the gravest of complications. That in this case no such event has followed, has been owing, in the main, to a full conviction that Her Majesty's government has never been animated by any aggressive disposition toward the United States; but, on the contrary, that it has steadily endeavored to discountenance and, in a measure, to check the injurious and malevolent operations of many of her subjects. But, while anxious to do full justice to the amicable intentions of Her Majesty's minister, and on that account to forbear from recourse to any but the most friendly and earnest appeals to reason and to their sense of justice for the rectification of these wrongs, it is impossible to resist the conviction that heretofore their measures, however well intended, have never proved effective to remedy the evil complained of. Prompt to acquit them of any design, I am reluctantly compelled to acknowledge the belief that practically this evil had its origin in the first step taken, which never can be regarded by my Government in any other light than as precipitate, of acknowledging persons as a belligerent power on the ocean before they had a single vessel of their own to show floating upon it. The result of that proceeding has been that the power in question, so far as it can be entitled to the name of a belligerent on the ocean at all, was actually created in consequence of the recognition, and not before; and all that it has subsequently attained of such a position has been through the labor of the subjects of the very country which gave it the shelter of that title in advance. Neither is the whole case stated even now. The results equally show that the ability to continue these operations with success during the whole term of four years that the war has continued, has been exclusively owing to the opportunity to make use of this granted right of a belligerent in the courts and the ports and harbors of the very power that furnished the elements of its existence in the outset. In other words, the Kingdom of Great Britain cannot but be regarded by the Government I have the honor to represent, as not only having given birth to this naval belligerent, but also as having nursed and maintained it to the present hour.

In view of these circumstances, I am instructed, while insisting on the protest heretofore solemnly entered against that proceeding, further respectfully to represent to your lordship that, in the opinion of my Government, the grounds on which Her Majesty's government have rested their defense against the responsibility incurred in the manner hereinbefore stated for the evils that have followed, however strong they might have heretofore been considered, have now failed by a practical reduction of all the ports heretofore temporarily held by the insurgents. Hence the President looks with confidence to Her Majesty's government for an early and effectual removal of all existing causes of complaint on this score whereby the foreign commerce of the United States may be again placed in a situation to enjoy the rights to which it is entitled on the ocean in peace and safety, free from annoyance from the injurious acts of any of Her Majesty's subjects, perpetrated under the semblance of belligerent rights.

I am further instructed to invite the attention of your lordship to another subject in this immediate connection. From the beginning of this war the armed vessels of Her Majesty have continued to enjoy full and free pratique in the waters of the United States. They have been welcomed in just the same friendly manner as has been heretofore customary when there was no exclusion of the same class of ships of the United States from the waters of Great Britain. It is the opinion of the President that the time has come when it may be asked, and not only with strict right, but also with entire comity, when the reciprocity in these hospitalities is to be restored. It is the expectation that the naval force of the United States in European waters will be augmented on or about the beginning of next month, when this question may become of some interest. I am therefore directed to solicit information from your lordship as to the reception which those vessels may expect in the ports of this kingdom.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[503] [Inclosure 1 in No. 23.]

Mr. Monroe to Mr. Seward.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, November 29, 1864.

SIR: I am pained to be compelled to report to the Department that a new piratical steamer, called the Shenandoah, commanded by James W. Waddell, is engaged in destroying our merchant-vessels near the equator, on the highway of communication between the United States and the ports of South America. The facts presented below were obtained in part from protests recorded at this office by the masters of the Alina and the D. Godfroy, and in part from statements published in the Brazilian newspapers, and believed to be reliable.

The bark Alina, Staples, master, of 573 tons burden, sailed from Newport, England, on the 6th October, with a cargo of railroad iron, bound for Buenos Ayres. Having reached latitude 16° 40′ north and longitude 26° 45′ west, she was captured and sunk on the 29th October by the Shenandoah. The schooner Charter Oak, from Boston, bound for San Francisco, was captured and destroyed by the same pirate on the 5th November, in latitude 7° north, longitude 27° 3′ west.

On the 7th November the bark D. Godfroy, Hallett, master, from Boston, of 300 tons burden, bound for Valparaiso, with general cargo, was captured and burned by the Shenandoah in latitude 6° 25′ north and longitude 27° 15′ west. On the 10th of November, in latitude 4° 30′ north and longitude 26° 40′ west, the brig Susan, of New York, bound from Cardiff to Rio Grande, was also destroyed by the same steamer.

On the 12th November the Shenandoah captured the ship Kate Prince, of 995 tons burden, Libbey, master. The Kate Prince belongs to Portsmouth, New Hampshire, and was on her passage from Cardiff to Bahia, with a cargo of coal. She was captured in latitude 2° 30′ north and longitude 28° 30′ west, and, having been compelled to give bonds in the sum of $40,000, was allowed to continue her voyage. These five vessels were all American. The officers and crew were at first transferred to the Shenandoah; afterward, as opportunity offered, a part were sent to Bahia on the Kate Prince, a part to this port on the Danish brig Anna Jans, from New York, and the rest, so far as heard from, had been retained on the Shenandoah. Of these last, some by threat and promises had been induced to engage in the piratical service.

In another instance a vessel not under our flag narrowly escaped destruction. The Argentine bark Adelaide, Williams, master, bound from Baltimore to this city, was boarded by officers of the Shenandoah on the 12th November, in latitude 1° 46′ and longitude 29° west. The Adelaide was consigned to Phipps, Brothers & Co., of this city. It was at first decided to burn her, and straw and tar had been brought for this object. This purpose, however, was finally abandoned, and the pirates, after having opened letters, destroyed furniture, and committed other outrages, retired on board the Shenandoah, carrying a part of the provisions of the bark with them. Captain Williams states that the commander of the Shenandoah declared he would hereafter burn all cargoes belonging to American owners, by whatever flag they might be covered.

The following statement in regard to the Shenandoah is made by shipmasters who have been prisoners on board of her:

The Shenandoah is a steamship of 1,100 tons burden and 250 horse-power. She carries a battery of four 68-pounders and two 12-pounders, all smooth bore, and two 32-pounders, rifled. She was formerly called the Sea King, and belonged to the steam company trading between London and Bombay and Calcutta. She was built by Stevens & Sons, of Glasgow, in 1863, and makes eleven miles an hour. She has forty-three men, nearly all English, besides the officers. She cleared from London for Bombay in September of this year.

On the 27th instant the Anna Jans brought into this port the following officers and seamen of the Alina and D. Godfroy, who, being in a very destitute condition, applied to this consulate for assistance:

From the Alina—Everett Staples, master; J. F. Peterson, first officer; M. H. Staples, second officer; G. A. Stinson, seaman.

From the D. Godfroy—Samuel W. Hallett, master; R. L. Taylor, first officer; Charles F. Brown, second officer; Joseph James, seaman.

I offered assistance to the officers simply as seamen, in accordance with section 211 of my instructions.

As this dispatch will be retained until the sailing of the English packet on
[504] the 9th *December, it will be supplemented by any further information which
I may obtain in regard to the movements of the Shenandoah.

I have, &c.,

(Signed) JAMES MONROE.

P. S.—*December* 8.—I have no information in regard to the Shenandoah.

J. M.

[Inclosure 2 in No. 23.]

Statement of American vessels sold to British subjects from 1858 *to* 1864, *inclusive.*

Year.	United States official report.		British official report.	
	Number of vessels.	Tonnage.	Number of vessels.	Tonnage.
BEFORE THE WAR.				
1858	33	12,684	....	....
1859	49	21,308	....	....
1860	41	13,683	Not given..	11,716
	123	47,675	....	11,716

Statement of American vessels sold to British subjects, &c.—Continued.

Year.	United States official report.		British official report.	
	Number of vessels.	Tonnage.	Number of vessels.	Tonnage.
DURING THE WAR.				
1861	126	71,673	Not given..	66,757
1862	135	64,578	"	59,103
1863	348	252,379	608	328,665
1864	106	92,052	....	....
	715	480,682	608	454,525

No. 24.

Mr. Elliott to Mr. Hammond.

DOWNING STREET, *April* 17, 1865. (Received April 18.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, copies of the dispatches noted in the margin, from Governor Sir C. Darling, reporting on the proceedings connected with the visit to the port of Melbourne of the Confederate States steamer Shenandoah. I am to observe that if Earl Russell considers that any instructions should be issued to Sir Charles Darling for his future guidance under similar circumstances, those instructions should be sent to him by the mail of the 26th instant.

I am, &c.,
(Signed) T. FREDK. ELLIOTT.

[Inclosure 1 in No. 24.]

Governor Sir C. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *Melbourne, February* 23, 1865.

Further report from Governor Sir C. Darling.

SIR: In my dispatch of the 26th ultimo I informed you that the Shenandoah, an armed vessel in the service of the Confederate States of America, had anchored in Hobson's Bay on the preceding day, and that the officer in command, claiming the privilege of a belligerent, had requested permission to take in supplies and effect necessary repairs.

2. By a telegram dispatched on the 27th, via Adelaide and Suez, I further apprised you that I had given permission to the officer in command to repair machinery and take coals and supplies under the conditions prescribed by Her Majesty's instructions.

3. I have now the honor to acquaint you that the Shenandoah left Hobson's [505] *Bay on the 18th instant, and passed through the heads of Port Philip at noon on that day.

4. I regret to state that her visit to this colony has not been free from occurrences which will probably form the subject of representation to Her Majesty's government by the governments of both the United States and the Confederate States. It therefore becomes my duty to put you in possession of the details of the transactions referred to, transmitting at the same time copies of the correspondence which has passed, and of all the documents connected with the case.

5. I beg leave to inclose accordingly—

(1.) Copies of letters addressed to me by the consul of the United States, accompanied by depositions and statements, alleging that the Shenandoah is not entitled to be considered as a cruiser in the confederate service; but that she is in effect a piratical vessel, and ought to have been seized by the local government as such, together with copies of the replies sent to the consul by my direction, and of the opinions of the Crown law-officers of this colony, upon which some of these replies are based.

(2.) Copy of the minutes of the executive council in relation to the Shenandoah, embracing all the questions which have arisen with respect to that vessel; it having appeared to me that, under the seventh clause of the royal instructions, I was bound to consult with the council, although the case be one of an international and imperial, rather than of a colonial character.

(3.) Copies of an instruction from me to the commissioner of trade and customs, and of the reports addressed to me in consequence, respecting the progress of the repair and provisioning of the Shenandoah.

(4.) A copy of the lease under which the patent slip on which the Shenandoah was placed, and which is the property of the government, is at present held by a private individual, and is therefore not under the control of the government, during the currency of that lease.

(5.) Copies of the evidence taken before the magistrates, in reference to a charge brought against certain subjects of Her Majesty, for a violation of the "foreign-enlistment act," which resulted in the committal of the parties charged, to take their trial before the supreme court.

(6.) Copy of an article which appeared in the Argus newspaper of the 18th instant.

6. The minutes of the executive council are accompanied by copies of the correspondence which has passed between Lieutenant Waddell, the commander of the Shenandoah, and the commissioner of trade and customs, who, being the minister charged with the conduct of all business connected with the shipping and marine generally, is, I consider, the proper "officer of the colonial government through whom any notice or direction conveyed by the governor's authority to the commander of any foreign vessel should be conveyed," as enjoined in the Duke of Newcastle's circular dispatch of the 28th March, 1863. Copies of all other documents which I brought under the consideration of the council are also attached to those minutes, a reference to which will, I think, sufficiently elucidate the brief narrative which I am about to submit.

7. Having, in conformity with the intimation to that effect contained in my dispatch of the 26th ultimo, convened the executive council on that day, I consulted with them as to the course to be adopted in reference to Lieutenant Waddell's application, a copy of which I transmitted with that dispatch, (see also inclosure 37, page 510.) As the result of this consultation, the letter dated the same day (inclosure 39, page 512) was addressed to Lieutenant Waddell by the commissioner of trade and customs. It conveys my authority, as governor of the colony, to make necessary repairs and take supplies, calling at the same time the attention of Lieutenant Waddell to the conditions imposed by Her Majesty's proclamation and instructions for the observance of neutrality, and requesting him to furnish certain information in order to enable me to determine what number of days it might be proper that his ship should remain in port.

Shenandoah allowed to make repairs.

8. The correspondence between Lieutenant Waddell and the commissioner of trade and customs at pages 639, *et seq.*, will show the circumstances under which a delay of several days, viz, to the 7th instant, took place before repairs of the Shenandoah were actually put in hand. It will be seen also from the correspondence (page 642) that the local government was not only careful strictly to observe the neutrality by declining to permit the use of any of its property and appliances in the prosecution of the repairs, but thought it necessary to correct a misapprehension into which Lieutenant Waddell appeared to have been led, that the patent slip on which his vessel was about to be placed was under the control of the executive.

Precautions for observance of neutrality.

9. A week then elapsed, during which the vessel was taken on the slip, and her [506] *repairs commenced. Of the progress of these repairs you will perceive by inclosure 90 (page 529) that I received reports every day. On the 14th instant the Shenandoah, having then been on the slip six days, Lieutenant Waddell was again asked (commissioner of trade and customs' letter of 14th February, page 643) whether he could state more definitely when he would be in a position to proceed to sea, in reply to which application he informed the government that the ship would probably be launched at 4 a. m. the following morning, the 15th, and be ready to proceed to sea on the 19th instant, (page 643.)

10. About this time the United States consul, among other representations respecting the Shenandoah, alleged, in communications made both to me and to the attorney general (see inclosure 29, page 606) that the crew of that vessel was being augmented by the enlistment of British subjects, and furnished sworn declarations in support of his allegation.

11. The attorney general, pursuing the usual course, and the only course, I conceive, which, under the circumstances, he could have pursued with a due regard to the grave responsibilities of his office, directed these declarations to be brought before a magistrate. The result was the issue of a war-

Alleged enlistment of British subjects.

Warrant issued for apprehension of a man.

Commander of Shenandoah refuses to allow search.

rant (a copy of which will be found in inclosure 92, page 536) for the apprehension, among others, of a man described under the name of Charley, upon a charge of violating the foreign-enlistment act and Her Majesty's proclamation of neutrality. The report of Superintendent Lyttleton, of the police force, (inclosure 73, page 524,) contains a statement of the results of his endeavors to ascertain whether Charley was on board of the Shenandoah, and if so, to secure his apprehension. It will be perceived that Superintendent Lyttleton states that, on the evening of the 13th the lieutenant in charge, and subsequently, on the morning of the 14th, Lieutenant Waddell himself, refused to allow any attempt to be made to execute the warrant, the latter declaring that he would fight his ship rather than permit such a course; while, at the same time, he solemnly and positively affirmed that, on his word of honor as an officer and a gentleman, he had not any one on board, nor had he engaged any one, nor would he while he was here, (see Superintendent Lyttleton's letter, inclosure 73, page 524.)

12. Additional evidence had meanwhile accumulated in the possession of the government, to the effect that the four men in question were on board the Shenandoah, and it was stated by more than one member of the executive council present at the board on the 14th instant, and competent to pronounce an opinion in such a matter, that if the ship should be launched at 4 o'clock the next morning, she might easily proceed to sea in a few hours, her supplies being dispatched in another vessel (if such a course were found necessary) and taken on board outside Port Phillip on the high seas.

13. The right of the government to insist upon ascertaining whether Charley was on board the Shenandoah, and if so, upon the execution of the warrant for his apprehension, was discussed, the Crown law-officers being in their places at the council-board; and considered by the majority of the council, including those officers, to be doubtful.

14. I nevertheless felt that I was bound to make every effort which the lawful exercise of my authority as Her Majesty's representative would permit, to prevent the serious violation of the law, and of Her Majesty's proclamation, which I had much reason to apprehend was about to be committed under cover of international comity, and in the face of the strong remonstrances of the consular representative of the other belligerent, to whose prejudices such a violation would operate.

Permission to repair the vessel suspended.

15. I regarded the refusal of Lieutenant Waddell to permit the governor of the colony to satisfy himself whether one of Her Majesty's subjects, accused of an offense the very essence of which consisted in being on board the ship, and Lieutenant Waddell's command, was justly charged with that offense, as little accordant with the principles by which the conduct of a belligerent obtaining aid and assistance in the port of a neutral power should be governed. I conceived that we had every right to expect his assistance in the execution of our laws, under circumstances which rendered such assistance indispensable; and I felt that at any rate I should not be justified in allowing British subjects to aid Lieutenant Waddell in the completion of his vessel for sea, and thus supply the very means by which the offender would be placed altogether beyond the reach of the law. Therefore, with the advice of the council, I directed a letter to be addressed to Lieutenant Waddell (14th February, page 643) explanatory of the grounds upon which I rested the application to be permitted to apprehend the offender, appealed to him in that letter to reconsider his decision; and apprised him that, pending his reply, I would suspend the permission which had been given to him to repair and take supplies, and would warn Her Majesty's subjects accordingly. I issued at the same time a short proclamation or direction (inclosure 75, page 525) addressed to Her Majesty's subjects carrying this intimation into effect.

[507] *16. Lieutenant Waddell's reply to this communication (page 644) is dated and was dispatched on the night of the same day, the 14th instant. He denies therein that the execution of the warrant was refused, because, as he again affirms, the person "Charley" sought to be apprehended was not on board—asserts the inviolability of the deck of a man-of-war—declares that all strangers have been sent out of the ship—and emphatically adds: "I therefore, as commander of this ship, representing my government in British waters, have to inform his excellency that there are no persons on board this ship except those whose names are in our shipping-articles; and that no one has been enlisted in the service of the Confederate States since my arrival in this port; nor have I in any way violated the neutrality of the port."

The man apprehended.

When this letter was laid before me in council on the morning of the 15th instant, there were submitted at the same time reports from the police authorities (inclosures 79 and 80, page 527) stating the circumstances under which four men had been apprehended, after leaving the Shenandoah, on the previous night at an hour then alleged and since proved to have been somewhat earlier than that at which the letter from Lieutenant Waddell to the commissioner of trade and customs was dispatched, (see evidence of Constable Minto of the water police, page 539,) and that one of these had been immediately identified as the person named Charley, for whose apprehension the warrant had been issued, and who it had been positively declared by the commander, and indirectly by his first lieutenant, was not on board the Shenandoah.

17. A letter from Lieutenant Waddell, (page 645,) alleging that his ship had been seized, and requesting to know whether I approved of that step, together with a representation from the lessee of the patent slip (inclosure 85, page 528) to the effect that the vessel would, in her position at that time, be greatly endangered in case of the wind increasing, of which there was great probability, were also brought under consideration.

18. There was no longer reason to believe that any person accused on sworn statements of violating the law were on board the Shenandoah, and I therefore determined, after fully advising with the council, to withdraw the prohibition against aiding and assisting, so far at least as the launching of the vessel was concerned. This step was taken in time to save the next tide, and the ship was launched in the course of the afternoon of the 15th.

Launch of the vessel permitted.

19. There still remained the prohibition against aiding and assisting generally, and more than one of my advisers expressed a strong opinion that the commander of the Confederate States vessel had justly forfeited all claim to such aid and assistance in the harbors of this colony. On the other hand, it was to be remembered that the repairs of the vessel and her machinery had been completed; that her supplies of coal and provisions had been actually procured, in pursuance of the permission originally given, although they were not on board; and that such being the case, the prohibition to render assistance could only have the effect of retarding her departure, which, if there was no legal ground and authority for ultimately preventing, it was on every account desirable should be expedited as much as possible.

20. I decided therefore, with the concurrence of the council, to place matters in this respect upon their former footing, and accordingly revoked the direction of the day before by the issue of a document, a copy of which will be found at page 528, inclosure No. 86. I had less hesitation in taking this course, because the doubts entertained the day before by the Crown law-officers as to our right to apprehend offenders against the foreign-enlistment act if sworn information should be received that any such were still on board, were even more strongly expressed by those gentlemen on this occasion. But in thus relaxing the prohibition it was thought desirable that the state of the case, as it presented itself to the govornor and the executive council, and the grounds upon which their proceedings were based, having special regard to the publicity which would eventually be given to those proceedings, should be fully explained to Lieutenant Waddell, and the letter dated February 15 (page 645) was accordingly addressed to him.

21. To this letter he replied (page 646) on the 16th instant, by conveying to me his "appreciation and thanks for my observance of the rights of belligerents," affirming that the four men apprehended had been discovered after his letter of the 14th instant had been written, but concluding with the observation that he considered the tone of the letter of the commissioner of trade and customs remarkably disrespectful and insulting to his government, to whom he should take care to make it known.

Explanations of the commander.

22. This letter closed the correspondence with the government, and I have reason to believe that, from the day on which it terminated, the 16th instant, the utmost exertions were made to complete the Shenandoah for sea; that object being, as I [508] have already *stated, accomplished on the 18th instant, when the Shenandoah left Port Phillip. It is, however, reported confidently that several men were taken on board before her departure and proceeded to sea in her; but upon this point I shall have the honor of addressing you in another dispatch.

23. The cessation of communication with the government was followed, on the part of Lieutenant Waddell, by the adoption of other steps, of which it may, I conceive, at least be said, that they are very unusual on the part of an officer commanding a foreign vessel of war, and claiming to represent his government in the waters of a friendly or neutral state. The four men who were apprehended after leaving the Shenandoah on the night of the 14th instant were brought before a magistrate on the 16th instant, charged with violating the foreign-enlistment act. One was discharged, being an American subject; two others (one of whom is Charley) were committed for trial; and the fourth was also similarly dealt with on the following day. On the 17th the proceedings before the magistrate on the previous day were published in the daily journals, and on the 18th there appeared in the Argus newspaper an article, giving publicity to statements purporting to have been made, and which I do not doubt were made, by officers of the Shenandoah to Lieutenant Waddell, in contradiction of the sworn evidence of some of the witnesses upon which the committals referred to had been made. The correspondence of Lieutenant Waddell with the government was also published in immediate sequence to these statements, together with the copy of a telegraphic message sent by the chief commissioner of police to Police Inspector Beaver, at Williamstown, on the 14th instant.

Trial of the men arrested.

24. There is no room for doubt that this publication must have been made with the

sanction of, if not by the direction of, Lieutenant Waddell; and still less can it be questioned that its object was to appeal to public opinion and sympathy against the course which the colonial government had pursued. On reference to the statements of the officers of the Shenandoah, it will be seen that they contradict no allegation which is of any importance as establishing the *prima facie* criminality of the three men who have been committed for trial. The sole object of those statements seems, indeed, to be to refute the imputation of participation in, or connivance at, a violation of law, which the evidence before the magistrate tends to cast upon the officers of the Shenandoah. How far they are really implicated in that charge is a question which may well be left to be determined upon the admissions contained in the letter of Lieutenant Waddell himself, and the uncontradicted portions of the evidence.

25. It seems desirable, however, that I should explain the circumstances connected with the telegram of the chief commissioner of police to Inspector Beaver. The first paragraph of that telegram states correctly the decision of the governor to suspend the permission to Her Majesty's subjects to aid and assist the Shenandoah. The second paragraph is an instruction from the commissioner himself to his subordinate, issued in the zealous discharge of duty, but under an imperfect knowledge of the course which the government intended to pursue, and some misapprehension of an oral communication in regard to that course, made to the chief commissioner in the council-chamber.

26. When it was determined to suspend the permission to aid, it was apprehended, looking to the very strong language which Lieutenant Waddell had employed, as reported by the inspector of police, and to the sympathy with the southern cause, and its representatives on board the Shenandoah, which was known to prevail in the community, that the workmen on the patent slip might be induced to attempt to set at naught the prohibition, and defy the authority of the government, by assisting the crew of the Shenandoah to launch the vessel. It was, therefore, deemed advisable to augment the police force at Williamstown, where the Shenandoah was on the slip; and at the same time I apprised Major General Chute, in his place in council, that it might be found necessary to send a small military party to Williamstown to support the civil power, and, at any rate, unmistakably demonstrate that the government was in a position to enforce the exercise of its legitimate authority.

27. Having, however, very shortly after this decision was taken, received the assurance of the lessee of the patent slip that the prohibition should be faithfully respected, I informed the major general that the military detachment would not be required, and it was directed that the re-enforcement of the police should be reduced in number.

28. At the same time I became aware of the terms of the communication above alluded to, which the chief commissioner of police had already dispatched to the inspector, and measures were immediately taken for revoking it. The minutes of the executive council (inclosure No. 72, page 524) will show that every precaution was adopted to prevent collision with the crew of the Shenandoah, under any misconception of the * instructions issued by the police, and to restrict the interference of that body to British subjects. [509]

29. The communication of the *ipsissima verba* of the chief commissioner's first telegram, by Inspector Beaver, so freely as to amount to a publication of it, was an act of culpable indiscretion if not a serious violation of duty on the part of the inspector, of which due notice has been taken by the colonial government.

30. Various rumors of the intentions of the government, and numerous misrepresentations of the course actually taken, have appeared in the colonial newspapers. I consider it unnecessary to notice these in detail; but I may express my belief that the foregoing statement with the accompanying documents will enable Her Majesty's government to determine how far any representations on the subject, which may be officially made to them, are correctly or incorrectly founded.

31. I will not close my report of these transactions without assuring you that nothing could be further from my intention or that of my advisers than that the letter of the commissioner of trade and customs of the 15th instant should be justly open to the charge of being disrespectful and insulting to the government at Richmond. A clear recapitulation of the facts appeared to be expedient, if not necessary, for reasons which I have already stated; while the reference to that government was a direct and natural consequence of the declaration in Lieutenant Waddell's letter of the 14th instant, then under reply, that he had written as commander of the ship representing his government in British waters.

32. Nor can I omit to observe that it would have been more consistent with the representative character in which Lieutenant Waddell thus declared himself, if, possessing as he did throughout ample power and means to ascertain that his ship had not become a place of concealment for British subjects seeking to violate or evade the law, he had employed that power and those means more effectively before committing himself to a solemn assertion, which eventually proved incorrect, and if, upon the discovery that these men were on board his ship, (assuming that discovery to have been made, as he affirms it was, after he had dispatched his letter of the 14th,) he had immediately apprised the government of the mistake he had committed, instead of leav-

ing it to be brought to light by the apprehensions of the culprits themselves, and through the medium of a police examination.

33. I have now to state that the representations of the United States consul, forming a part of the documents, received the immediate and earnest attention of the government. It will be seen that the Crown law-officers were decidedly of opinion that a piratical character could not, as suggested by the consul, be attached to the Shenandoah. Furnished with that opinion, and having carefully considered the dispatch addressed to the governor of the Cape of Good Hope by the Duke of Newcastle, on the 4th November, 1863, transmitted with his grace's circular confidential dispatch to me of the 12th December of that year, I had no doubt of the conclusion at which, under those instructions, I was bound to arrive; and accordingly I acquainted the consul, in the words of the Duke of Newcastle, in reference to the case of the Alabama, "that whatever may have been the previous history" of the ship, I was bound to treat her as a "ship of war belonging to a belligerent power."

34. In conclusion, I have only to offer an assurance, on the part not less of my advisers than of myself, that it has been our anxious desire to regulate the conduct of the local government in this matter by the letter, and on points where the letter was found doubtful or not sufficiently explicit, by what we believe to be the spirit of Her Majesty's instructions for the maintenance of neutrality.

35. I have conceived it to be the duty of the colonial authorities to enforce the provisions of acts of the imperial Parliament, and of the colonial laws, by all means in our power so far as our jurisdiction is considered clearly to extend. But in respect to violations of neutrality which we could not reach through the officers of justice, I have gathered from the instructions of Her Majesty's government, and specially from the tenor of the Duke of Newcastle's dispatch of the 16th January, 1862, that my duty is limited to the reporting of "such violation" to Her Majesty's government, and to the commander of Her Majesty's naval forces on the station.

36. I have now the honor, at the suggestion of the Crown law-officers, to request that I may be furnished with explicit instructions as to the right of the colonial government to execute a warrant under the foreign-enlistment act, on board a belligerent ship of war, whether that ship belongs to a state with which Her Majesty has diplomatic relations, or to a state situated as the Confederate States now are; and if that right be considered to exist, it will be important that I should be informed also
[510] to what *extent the government would be justified in proceeding for the purpose of enforcing the execution of such a warrant.

I have, &c.,
(Signed) C. H. DARLING.

[For inclosures 2 to 34, being the correspondence between Mr. Blanchard (the United States consul) and the governor, see inclosures 5 to 9, 11, 12, 14, 15, 19 to 28, 32 to 40, 42 to 45, 48, 50, in No. 32, pp. 590, *et seq.*)

[For the principal correspondence between Lieutenant Waddell and the government, see pp. 639, 646.]

[Inclosure 35 in No. 24.]

Opinion of the law-officers.

We have the honor to acknowledge the receipt of three letters addressed to his excellency the governor by the consul of the United States of America, dated respectively the 26, 27th, and 28th instant.

We are of opinion that there is no evidence of any act of piracy committed by any person on board the vessel called the Shenandoah. This vessel reports to be, and we think she should be treated, as a ship of war belonging to a belligerent power.

(Signed) ARCH. MICHIE.
GEO. HIGINBOTHAM.

CROWN LAW-OFFICES,
January 30, 1865.

[Inclosure 36 in No. 24.]

Opinion of the attorney general.

In obedience to his excellency's instructions, I have perused Mr. Blanchard's letter, dated 15th instant.

It furnishes no grounds, in my opinion, for an alteration of the views respecting the presumed character of the ship Shenandoah, which have been already submitted to his excellency the governor by the law-officers of the Crown.

(Signed) GEO. HIGINBOTHAM.

CROWN LAW-OFFICES,
February 16, 1865.

[Inclosure 37 in No. 24.]

Extract from the minutes of the council.—Minute 65, 6, *of the proceedings on the* 26*th January*, 1865.

Permission granted to the Shenandoah to make repairs and land prisoners.

His excellency acquaints the council that he has caused them to be specially summoned to consider a letter which he has received from the commander of the confederate steamer Shenandoah, that anchored in Hobson's Bay last evening, the letter having been brought to Toorak at a late hour by one of the officers of the vessel.

The letter, which was read, is as follows:

"CONFEDERATE STEAMER OF WAR SHENANDOAH,
"*Port Phillip, January* 25, 1865.

"SIR: I have the honor to announce to your excellency the arrival of the Confederate States steamer Shenandoah, under my command, in Port Philip this afternoon, [511] and also to *communicate that the steamer's machinery requires repairs, and that I am in want of coals. I desire your excellency to grant permission that I may make the necessary repairs and supply of coals to enable me to get to sea as quickly as possible. I desire also your excellency's permission to land my prisoners. I shall observe the neutrality.

"I have, &c.,
(Signed) "JAMES J. WADDELL,
"*Lieutenant Commander.*

"His Excellency Sir CHARLES HENRY DARLING, K. C. B.,
"*Captain General, Governor-in-Chief, and Vice-Admiral, Melbourne.*"

His excellency states to the council that he informed the bearer that the subject of the letter should receive his early attention on the following morning, and that he would communicate his decision to the commander as speedily as it might be convenient to do so.

Dispatches from the right honorable the secretary of state, covering the Queen's proclamation of neutrality, and all instructions and orders which have, from time to time, been issued by command of Her Majesty, through the secretary of state, to the governors of Her Majesty's colonies and possessions, for their guidance during the continuance of hostilities on the North American Continent, as well as official correspondence and papers connected with the proceedings of the confederate steamship Alabama, at Her Majesty's colony of the Cape of Good Hope, are laid before the council and read by the clerk.

After careful consideration of these instructions and papers, the council advise that the honorable the commissioners of trade and customs, writing in the name of his excellency, the governor, should acquaint the commander of the Shenandoah—

1. That the vessel under his command will not be allowed to quit the anchorage in Hobson's Bay within twenty-four hours after any vessel belonging to the Federal States shall have left the port, and further inform him, that in case he should infringe this rule, his government will be held responsible by that of Great Britain for violating the neutrality of British waters.

2. That the commander of the Shenandoah be requested to communicate to the government of Victoria the nature and extent of the repairs of which he states his vessel to be in need; and that he be informed that permission will be granted for the Shenandoah to remain in the waters of the colony a sufficient time to receive the provisions or things necessary for the subsistence of her crew—but not beyond what may be necessary for immediate use—and to effect her repairs; and that when the government of Victoria are in possession of the nature and extent of the supplies and repairs which are necessary, the commander of the Shenandoah will then be informed of the time which his vessel will be permitted to remain in the waters of the colony.

3. That in reply to the part of his letter which refers to prisoners, the commander of the Shenandoah be requested to communicate to the government of Victoria the names of the prisoners, and any other particulars relating to them which he may be willing to supply.

His excellency, concurring with the advice which has been tendered to him, directs the honorable commissioner of trade and customs to address the commander of the Shenandoah in the above recited terms.

The council further advise his excellency to authorize a communication being made to the United States consul at Melbourne, informing him of the application which has been made by the commander of the Shenandoah for permission to land prisoners, and stating that the government are desirous of knowing whether the consul will undertake to receive and provide for them.

A true extract.

(Signed) J. H. KAY,
Clerk of the Council.

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* [Inclosure 38 in No. 24.]

Lieutenant Commander Waddell to Governor Sir C. Darling, January 25, 1865.

Precautions for observance of neutrality.

[See page 639.]

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[512] [Inclosure 39 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell.

DEPARTMENT OF TRADE AND CUSTOMS, MELBOURNE,
January 26, 1865.

SIR: I am directed by His Excellency Sir Charles Darling to acknowledge the receipt of your letter of the 25th instant, acquainting his excellency with the arrival of the Confederate States steamer Shenandoah, under your command, in Port Phillip, and intimating that the machinery of the steamer requires repairs, and that you are in want of coals.

In the communication under acknowledgment, you request his excellency to grant permission to make the necessary repairs, and to obtain a supply of coals, and, further, to be allowed to land your prisoners.

In reply, I have received the instructions of Sir C. Darling to state that he is willing to allow the necessary repairs to the Shenandoah, and the coaling of the vessel being at once proceeded with, and that the necessary directions have been given accordingly.

I am at the same time to furnish, for your information, the accompanying extracts of orders issued by Her Majesty's government,[1] and publicly notified in the "Government Gazette" of this colony on the 17th March and 24th April, 1862, with respect to armed vessels, whether belonging to the United or Confederate States of North America, with which it is requisite for you to comply.

In conformity with the terms of the foregoing commands, I am to request that you will be good enough, at your earliest convenience, to intimate to me, for the information of his excellency, the nature and extent of your requirements as regards repairs and supplies, in order that Sir C. Darling may be enabled to judge of the time which it may be necessary for the vessel under your command to remain in this port.

With reference to your request regarding certain prisoners, his excellency desires to be furnished with a list of the prisoners in question, and any other information affecting them which you may be able to afford.

I have, &c.

(Signed) JAS. G. FRANCIS,
Commissioner of Trade and Customs.

Maintenance of Neutrality.

DOWNING STREET, *January* 16, 1862.

In order to cause that neutrality to be effectually respected throughout the Queen's dominions, Her Majesty has directed (in accordance with a long-established European practice) that no ship of war, privateer, or other armed vessel belonging to either of the belligerents which shall anchor in any British port shall be allowed to quit her anchorage within twenty-four hours after any vessel belonging to the adverse belligerent, whether armed or unarmed, shall have left the same port.

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[1] Extracts from "Government Gazette" of March 17 and April 24, 1862.

In order to give effect to her Majesty's orders, I am to desire that, on the arrival of any such armed vessel in any port or roadstead within your government, you will notify this rule to her commander, and will inform him that, in case he should infringe it, his government will be held responsible by that of Great Britain for violating the neutrality of British waters.

I have, &c.
(Signed) NEWCASTLE.

Governor Sir H. BARKLY, *&c., &c., &c.*

DOWNING STREET, *February* 1, 1862.

SIR: I inclose, for your guidance, the copy of a letter which I have received from Lord Russell, from which you will learn Her Majesty's pleasure on various matters connected with the hostilities which are now carried on between the States of North America which have seceded from the Union and those which adhere to it.

You will not fail to conform exactly to Her Majesty's commands.

I have, &c.,
(Signed) NEWCASTLE.

The OFFICER ADMINISTERING THE GOVERNMENT OF VICTORIA.

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[513] **Earl Russell to the Duke of Newcastle.*

FOREIGN OFFICE, *January* 31, 1862.

MY LORD DUKE: Her Majesty being fully determined to observe the duties of neutrality during the existing hostilities between the United States and the States calling themselves the Confederate States of America, and being moreover resolved to prevent, as far as possible, the use of Her Majesty's harbors, ports, and coasts, and the waters within Her Majesty's territorial jurisdiction, in aid of the warlike purposes of either belligerent, has commanded me to communicate to your grace, for your guidance, the following rules which are to be treated and enforced as Her Majesty's orders and directions.

Her Majesty is pleased further to command that these rules shall be put in force in the United Kingdom and in the Channel Islands on and after Thursday, the 6th day of February next, and in Her Majesty's territories and possessions beyond the seas six days after the day when the governor or other chief authority of each of such territories or possessions respectively shall have notified and published the same, stating in such notification that the said rules are to be obeyed by all persons within the same territories and possessions.

1. During the continuance of the present hostilities between the Government of the United States of North America and the States calling themselves the Confederate States of America, or until Her Majesty shall otherwise order, no ships of war or privateers belonging to either of the belligerents shall be permitted to enter or remain in the port of Nassau, or in any other port, roadstead, or waters, of the Bahama Islands, except by special leave of the lieutenant governor of the Bahama Islands, or in case of stress of weather. If any such vessel should enter any such port, roadstead, or waters, by special leave, or under stress of weather, the authorities of the place shall require her to put to sea as soon as possible, without permitting her to take in any supplies beyond what may be necessary for her immediate use.

If, at the time when this order is first notified in the Bahama Islands, there shall be any such vessel already within any port, roadstead, or waters, of those islands, the lieutenant governor shall give notice to such vessel to depart, and shall require her to put to sea within such time as he shall, under the circumstances, consider proper and reasonable. If there shall then be ships of war or privateers belonging to both the said belligerents within the territorial jurisdiction of Her Majesty, in or near the said port, roadstead, or waters, the lieutenant governor shall fix the order of time in which such vessels shall depart. No such vessel of either belligerent shall be permitted to put to sea until after the expiration of at least twenty-four hours from the time when the last preceding vessels of the other belligerent (whether the same shall be a ship of war, or privateer, or merchant-ship) which shall have left the same port, roadstead, or waters, adjacent thereto, shall have passed beyond the territorial jurisdiction of Her Majesty.

2. During the continuance of the present hostilities between the Government of the United States of North America and the States calling themselves the Confederate States of America all ships of war and privateers of either belligerent are prohibited from making use of any port, or roadstead, in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's colonies, or foreign possessions, or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters, subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant-ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

If any ship of war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel Islands, and in the several colonies and foreign possessions and dependencies of Her Majesty respectively, enter any port, roadstead, or waters, belonging to Her Majesty, either in the United Kingdom, or in the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and put to sea within twenty-four hours after entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew, or repairs, in either of which cases the authorities of the port, or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours without permitting her to take in supplies beyond what may be necessary [514] for her immediate use; and no such vessel *which may have been allowed to remain in British waters for the purpose of repairs shall continue in any such port, roadstead, or waters, for a longer period than twenty-four hours after her necessary repairs shall have been completed: Provided, nevertheless, that in all cases in which there shall be any vessels (whether ships of war, privateers, or merchant-ships) of both the said belligerent parties in the same port, roadstead, or waters, within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war, a privateer, or a merchant-ship) of the one belligerent, and the subsequent departure therefrom of any ship of war or privateer of the other belligerent; and the times hereby limited for the departure of such ships of war and privateers respectively shall always, in case of necessity, be extended so far as may be requisite for giving effect to this proviso, but not further or otherwise.

4. No ship of war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead, or waters, subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination. And no coal shall be again supplied to any such ship of war or privateer in the same or any other port, roadstead, or waters, subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within British waters, as aforesaid.

I have, &c.,
(Signed) RUSSELL.

In conformity with Her Majesty's commands all civil and military officers, and all other the inhabitants of the colony of Victoria, are hereby required and enjoined to be obedient to the rules herein promulgated, and to be aiding and assisting in the enforcement thereof.

The said rules will take effect upon the expiration of six days from this date.

By his excellency's command,
(Signed) JOHN O'SHANASSY,
Chief Secretary.

CHIEF SECRETARY'S OFFICE, *Melbourne, April* 24, 1862.

[Inclosure 40 in No. 24.]

Mr. Francis to Mr. Blanchard.

CUSTOM-HOUSE, *Melbourne, January* 26, 1865.

SIR: I am desired by his excellency the governor to inform you that an application has been made to land certain prisoners from the confederate steamer Shenandoah, now in this port, and I am to request that you will be good enough to inform me, for the information of Sir Charles Darling, whether you are willing to undertake to receive and provide for, on behalf of the government which you represent, the prisoners above referred to.

I am to request the favor of an early reply to this communication.

I have, &c.,
(Signed) JAS. G. FRANCIS,
Commissioner of Trade and Customs.

[Inclosure 41 in No. 24.]

Extract from the minutes of the council.—Minute 65, 7, *of the proceedings on the* 30*th of January*, 1865.

Permission to make repairs.

At the close of the ordinary business of the council the honorable the commissioner of trade and customs submits to his excellency a communication from the commander of the Shenandoah, dated 28th January, 1865—in reply [515] to the letter *which was addressed to him on the 26th instant—in which Lieutenant Waddell states that he has not been able up to the present time to inform the government of the extent of the repairs which are required to be made to his vessel, and expressing his fear that the damages will prove to be more serious than he had anticipated, but that as soon as a diver, whom he has employed for the purpose, has been able to inspect the screw-shaft below water, he will lose no time in communicating with them. This letter was, shortly afterward, followed by another from Messrs. Langlands, Brothers & Co., of the Port Phillip foundery, and dated the 30th January, addressed to Lieutenant Waddell, which that officer indorsed, as forwarded to the honorable the commissioner of trade and customs, for the information of the governor, and with a request that it might be returned.

In this letter Messrs. Langlands report that it was absolutely necessary to put the vessel on the government slip, as, after inspection by the diver, he reports the lining of the outer sternbush to be entirely gone and requires to be replaced, and that, as three days more will elapse before the vessel can be slipped, Messrs. Langlands state they will not be able to accomplish the repairs within ten days from the date of their letter.

After considering these letters, the council advise his excellency to authorize another communication to be addressed to the commander of the Shenandoah, drawing his attention to the circumstance that he had not as yet replied to the request for information as to the nature of the supplies of which he states he is in need for the subsistence of his crew, nor had he furnished the list of the prisoners on board; and that he be further informed that the governor had appointed a board of practical men to examine the Shenandoah, and report whether that vessel is in a fit state to proceed to sea, or whether any, or if any, what repairs are necessary. For this purpose his excellency appoints Mr. C. B. Payne, secretary naval survey board; Mr. Douglas Elder, superintendent marine yard; and Mr. Alexander Wilson, government engineer, to be a board to proceed on board the Shenandoah, and report accordingly.

Complaint of the United States consul.

His excellency then lays before the council three letters which have been addressed to him by the United States consul at Melbourne, dated respectively the 26th, 27th, and 28th of January, 1865, protesting against the rights of a belligerent being granted to the Shenandoah; and further protesting against the aid, and comfort, and refuge now being extended to that vessel.

Having referred these letters to his legal advisers, his excellency received from them the following opinion:

The law-officers advise that the Shenandoah is a ship of war.

"We have the honor to acknowledge the receipt of three letters addressed to his excellency the governor by the consul of the United States of America, dated respectively the 26th, 27th, and 28th instant.

"We are of opinion that there is no evidence of any act of piracy committed by any person on board the vessel called the Shenandoah. This vessel purports to be, and we think she should be treated as, a ship of war belonging to a belligerent power."

(Signed) "ARCHD. MICHIE,
"GEO. HIGINBOTHAM,
"*Crown Law-Officers.*

"JANUARY, 30, 1865."

His excellency states that he had replied to the United States consul to the effect that, having given an attentive consideration to his letters, and having consulted with the law-officers of the Crown, he had come to the decision that the government of this colony were bound to treat the Shenandoah as a ship of war belonging to a belligerent power.

His excellency then consults the council on the only point upon which he thought any doubt could arise, viz, whether it would be expedient to call upon the lieutenant commanding the Shenandoah to show his commission from the government of the Confederate States, authorizing him to take command of that vessel for warlike purposes.

After brief consultation, a majority of his advisers tender their opinion that it would not be expedient to do so.

A true extract.

(Signed) J. H. KAY, *Clerk of the Council.*

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[516] (Inclosure 42 in No. 24.)

Lieutenant Commander Waddell to Mr. Francis, January 28, 1865.

[See page 640.]

[Inclosure 43 in No. 24.]

Messrs. Langlands, Brothers & Co. to Lieutenant Commander Waddell, January 30, 1865.

[See page 640.]

[Inclosure 44 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, January 30, 1865.

[See page 640.]

[Inclosure 45 in No. 24.]

Mr. Blanchard to Governor Sir C. Darling, January 26, 1865.

[See inclosure 6 in No. 32.]

[Inclosure 46 in No. 24.]

Mr. Blanchard to Governor Sir C. Darling, January 27, 1865.

[See inclosure 7 in No. 32.]

[Inclosure 47 in No. 24.]

Mr. Blanchard to Governor Sir C. Darling, January 23, 1865.

[See inclosure 9 in No. 32.]

[Inclosure 48 in No. 24.]

Opinion of law-officers.

[See inclosure 7 in No. 24.]

[Inclosure 49 in No. 24.]

Extract from the minutes of the council.—Minutes 65, 8, *of the proceedings on the* 6*th February,* 1865.

On concluding the ordinary business of the day, his excellency informs the council that since their last meeting a communication had been received from the commander of the Shenandoah, dated 30th January, stating that the immediate supplies required for the officers and crew under his command consisted of fresh meat, vegetables, and bread, daily, and certain sea-supplies which are enumerated; and that with respect to the list of prisoners, all the persons—whom on the high seas he considered to be his prisoners—had left his ship in shore-boats without his knowledge soon after his arrival in the port. The honorable commissioner of trade and customs had been authorized to reply to Lieutenant Waddell that permission was granted to him to ship, in reasonable quantities, the provisions and supplies which he had enumerated, and that it was necessary for him to place his paymaster in communication with the collector of customs, as to the quantities and particulars, in detail. The request formerly made to Lieutenant Waddell, to furnish the numbers and particulars of his prisoners, was also renewed in this communication, and he was informed that, although the number in this instance was understood to be small, yet this case might form a precedent [517] for future guidance in any other case where it might * be desired to land a large number of prisoners in violation of municipal or other laws or regulations in force in this colony.

Further as to repairs and provisions.

To this letter Lieutenant Waddell replied on the 1st February, that the number of the prisoners he had brought into the port were eleven, two being females; that they were captured serving in the American bark Delphine, which vessel he destroyed; and on arrival in this port they left the Shenandoah of their own free will—without consulting the regulations enforced in this colony—unmolested, unassisted, and not in any boat belonging to the ship. He further added that he was extremely anxious to get the Shenandoah to sea.

The report of the board of survey, on the repairs required by the Shenandoah, is then laid before the council and read.

On receiving this report his excellency states that he had directed another letter to be addressed to Lieutenant Waddell, informing him that, as it was evidently necessary from the report that his vessel should be placed on the slip, it was presumed that he would proceed promptly with the necessary arrangements; and it was further pointed out to him that the slip—which Messrs. Langlands, in their communication, had termed the government slip—was not in the possession or under the control of the government; that it was originally built by the government, but had for many years been leased to various parties, and therefore Lieutenant Waddell's arrangements must be made with the present lessees.

The commissioner of trades and customs then acquainted his excellency that he had issued instructions to the principal officers in Hobson's Bay to furnish daily reports of the Shenandoah, in obedience to a minute of his excellency of the 3d instant; and that he had enjoined upon these officers the necessity of performing this service without unseemly obtrusion or interference, but that any apparent abuse of the permission to make repairs, or to take in supplies, was to be reported; and their attention was especially directed to the concluding paragraph of the minute, relating to any extension of the armament of the Shenandoah, or to any attempt to render her present armament more effective.

Mr. Francis further states that an application had been made this day to the collector of customs, for permission to land certain surplus stores, accompanied by a declaration that none of these stores had been captured, but that they all came into the possession of Lieutenant Waddell with the vessel. On consultation with the council, his excellency directs this application to be referred for the opinion of the Crown law-officers, whether such a permission should be granted, and whether the 44th section of the act 21 Vict., No. 13, is applicable to the case.

His excellency then directs Mr. Francis to address another letter to Lieutenant Waddell, and inform him that, as his vessel has been twelve days in the port already, with permission to lay in provisions, and to effect necessary repairs, it is now desired that he should name the day upon which he will be prepared to proceed to sea; and that after carefully considering the position of Great Britain as strictly neutral in the present contest on the North American Continent, the government of Victoria cannot grant him the use of any appliances which are the property of the government, nor can it render any assistance, either directly or indirectly, toward effecting the repairs of his vessel.

A true extract.

(Signed) J. H. KAY,
Clerk of the Council.

[Inclosure 50 in No. 24.]

Lieutenant Commander Waddell to Mr. Francis.

CONFEDERATE STATES STEAMER SHENANDOAH,
January 30, 1865.

SIR: In reply to your communication of this day's date, I have to state the immediate supplies required for the officers and crew under my command consist of fresh meat, vegetables, and bread, daily; and that the sea-supplies required will be brandy, rum, champagne, port, sherry, beer, porter, molasses, lime-juice, and some light material for summer wear for my men, &c.

In regard to a list of prisoners, I have to communicate that all those persons whom on the high seas I considered my prisoners (and of whom I wrote to his excellency the governor) left my ship without my knowledge, in shore-boats, soon after my arrival in this port.

[518] In regard to the board which his excellency the governor has constituted for the *examination of the Shenandoah, under my command, every facility will be extended to them.

I remain, &c.,
(Signed) JAS. J. WADDELL.

[Inclosure 51 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, January 31, 1865.

[See page 641.]

[Inclosure 52 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, February 1, 1865.

[See page 641.]

[Inclosure 53 in No. 24.]

Mr. Payne to Mr. Francis.

MELBOURNE, *February* 1, 1865.

SIR: I have the honor to report that, in company with Mr. Wilson, the engineer-surveyor, and Mr. Elder, the superintendent of the marine yard, I proceeded on board the confederate southern steam-ship Shenandoah, for the purpose of examining her, according to the purport of your instructions. Captain Waddell, whom I saw on first going on board, offered every facility for our inspection, and having asked him what repairs he considered necessary to be effected before his vessel could proceed to sea, was informed that the inner stern-post bearing was so defective that repairs were necessary. As this was the only part pointed out, we considered it our duty to have the place examined, and for this purpose obtained the diver from the public works department, upon whose evidence the report of survey already forwarded was founded.

The report from the diver corroborates that already obtained from Messrs. Langlands Brothers, which Captain Waddell informed me had been forwarded for the information of the government.

It is proposed to have a model made, representing the bearing as described by the diver, which, should the honorable the commissioner desire, will be forwarded for his inspection.

I have, &c.,
(Signed) CHARLES B. PAYNE.

[Inclosure 54 in No. 24.]

Report of survey held on board the confederate screw-steamer Shenandoah.

MELBOURNE, *February* 1, 1865.

We, the undersigned, in pursuance of instructions received from his excellency the governor, proceeded on board the confederate screw-steamer Shenandoah this morning, at 10 a. m., for the purpose of examining her, with the view of reporting whether that vessel is now in a fit state to proceed to sea, or whether any and what repairs are necessary, have the honor to report:

1st. That the Shenandoah is not in a fit state to proceed to sea as a steamship.
2d. That repairs are necessary.
3d. That the part or parts requiring repair being the inner stern-post bearing of the screw-shaft, the extent of damage cannot be ascertained without the vessel being slipped.

(Signed) CHARLES B. PAYNE.
ALEX. WILSON,
Engineer Surveyor.
DOUGLAS ELDER,
Superintendent of Marine Yard.

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[519] [*Inclosure 55 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, February 1, 1865.

[See page 642.]

[Inclosure 56 in No. 24.]

Lieutenant Commander Waddell to Mr. Francis.

CONFEDERATE STEAMER SHENANDOAH,
February 1, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of this day's date, informing me of the character of the report made to his excellency the governor by the board of examiners; also your calling my attention to another list of prisoners which you desire. I cheerfully furnish this, the second list, and I have, &c.

(Signed) JAMES J. WADDELL.

List of prisoners brought into the port of Melbourne by the confederate steamer Shenandoah.

E. P. Jones.
E. P. Nichols.
Frederick Lindborg.
John Landell.
Carl Ralin.
William Scott.
F. Nichols, (boy.)
Mr. E. T. Lingo.
Mrs. M. Lingo.
Captain W. G. Nichols.
Mrs. L. L. Nichols.
Total, 11.

[Inclosure 57 in No. 24.]

Memorandum for the commissioner of trade and customs.

I have to request the honorable the commissioner of trade and customs will be so good as to make arrangements for obtaining daily reports of the progress of the repairs and provisioning of the Shenandoah, and communicate the information obtained to me.

I am sure that the honorable commissioner will take every precaution in his power against the possibility of the commander of that vessel in any degree extending its armament, or rendering the present armament more effective.

C. H. D.

TOORAK, *February* 3, 1865.

[Inclosure 58 in No. 24.]

Mr. Francis to the chief harbor-master, Williamstown.

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, February 6, 1865.

SIR: I have the honor to inclose a copy of a communication from his excellency the governor with reference to the repairs and provisioning of the Shenandoah, and I have to request that you will furnish me daily with a report so far as the progress of the repairs of that vessel is concerned.

This service must be performed without unseemly obtrusion or interference, but at the same time the proceedings on board the Shenandoah must be carefully observed, and any apparent abuse of the permission granted to that vessel with respect to repairs must at once be reported to me.

I would especially draw your attention to the concluding paragraph of his excellency's communication.

I have, &c.,
(Signed) JAS. G. FRANCIS,
Commissioner of Trade and Customs.

520] *[Inclosure 59 in No 24.]

Mr. Francis to the collector of customs, Melbourne.

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, February 6, 1865.

SIR: I have the honor to inclose a copy of a communication from his excellency the governor with reference to the repairs and provisioning of the Shenandoah, and I have to request that you will furnish me daily, for his excellency's information, with a report from the proper officer of your department so far as the provisioning of that vessel is concerned.

This service must be performed without unseemly obtrusion or interference, but at the same time the proceedings on board the Shenandoah must be carefully observed, and any apparent abuse of the permission granted to that vessel with respect to provisioning must at once be reported to me.

I have, &c.,
(Signed) JAS. G. FRANCIS,
Commissioner of Trade and Customs.

[Inclosure 60 in No. 24.]

Mr. Tyler to Mr. Francis.

CUSTOM-HOUSE, MELBOURNE,
February 6, 1865.

SIR: I have the honor to submit for your consideration and instructions the annexed application for permission to land certain surplus stores from the confederate steamer Shenandoah, with respect to which a declaration has been made on the document, that none of the goods have been captured, but that they all came into the possession of Captain Waddell with the vessel.

I have, &c.,
(Signed) J. CHATFIELD TYLER,
Collector.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

The clause of the customs act applicable to this case is No. 44 of 21 Vict., No. 13, which I respectfully submit permits the master of the Shenandoah to land his surplus stores.

(Signed) J. GUTHRIE,
Inspector General of Customs.

[Inclosure 61 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, February 7, 1865.

[See page 642.]

[Inclosure 62 in No. 24.]

Extract from the minutes of the council.—Minute 65, 9, *of the proceedings on the* 13*th of February*, 1865.

His excellency states that Lieutenant Waddell had replied to the communication, which it had been agreed to address to him at their last meeting, that he could not name a day for proceeding to sea, until his ship is taken on the slip, when the amount of the repairs which may be necessary could be ascertained, and the time estimated in which they could be effected. He further states that the recent gales had prevented him from lightening the ship to the necessary draught, preparatory to placing her on the slip, but that he hoped to do so on the following morning.

Permission to land stores is refused.

The opinion of the attorney general on the application which had been made for permission to land certain surplus stores from the Shenandoah is also laid before the council.

It is to the effect that the permission cannot be granted by the government of [521] *Victoria consistently with a strict observance of the rules prescribed for the maintenance of neutrality; and his excellency informs the council that he had authorized a communication to the commander of the Shenandoah to that effect.

The further report of the board of survey on the Shenandoah, after viewing that vessel on the slip, is also submitted and considered.

Alleged enlistment of British subjects.

His excellency then states to the council that, in consequence of a letter which he had received from the United States consul, dated the 10th instant, and inclosing a testimony, on oath, of one John Williams, he had deemed it his duty to refer it for the consideration of the law-officers of the Crown; as, presuming the statements therein contained to be correct, it would appear that the commander of the Shenandoah was taking advantage of the aid and comfort which had been afforded to him in this port, to increase the number of his crew by enlisting British subjects, in contravention of the foreign-enlistment act.

In consequence of this reference, the law-officers of the Crown had directed the attendance of the man John Williams, and that he had, with other men, attended that morning at the Crown law-offices, and had made statements to the effect that a number of men representing themselves to be Englishmen had gone on board the Shenandoah since her arrival in this port, with the intention of joining her, and were now concealed on board.

The law-officers being of opinion that there was sufficient evidence to take steps for prosecuting, had instructed the police to lay informations against these men for a misdemeanor, and to apply for a warrant for their apprehension.

On consultation with the council, it was not considered necessary by his excellency to take any further steps in the matter until the result of the police-office proceedings were known; but Mr. Francis is instructed again to inquire, by letter, when Lieutenant Waddell would be ready to proceed to sea.

A report from the detective police at Sandridge, of this day's date, on matters relating to the Shenandoah, is laid upon the table of the council; and as, from information which had reached the government, some suspicion had been attached to the movements of a vessel called the Eli Whitney, now lying in the bay, the honorable the commissioner of trade and customs undertakes that her movements shall be carefully watched.

The honorable the attorney general then submits to his excellency depositions taken on oath by eleven persons before the consul of the United States in Melbourne, which depositions have been placed in his hands by the consul.

A true extract.

(Signed) J. H. KAY,
Clerk of the Council.

[Inclosure 63 in No. 24.]

Lieutenant Commander Waddell to Mr. Francis, February 7, 1365.

[See page 643.]

[Inclosure 64 in No. 24.]

Opinion.

Referred to Crown law-officers for an opinion as to whether said permission should be granted.

(Signed) J. G. FRANCIS.

FEBRUARY 6, 1865.

Section 44, of act No. 13, is not applicable, in my opinion, in this case. Even if the Shenandoah be regarded as a ship having a commission from a foreign state within the meaning of the section, the section does not authorize the master of such a ship to land goods without submitting to the rules of the customs, but imposes a penalty on him for not delivering an account, in writing, of the quality and quantity of goods, &c., on board. The account is not stated to have been delivered, and if it had been, the master is not empowered to land the goods, although the customs officers have the right to do so, subject to the regulations in force respecting Her Majesty's ships.

I am not aware that there is anything in the customs act that would make the [522] *relaxation of the customs regulations now asked for absolutely illegal. But I am of opinion that the permission that is sought cannot be granted consistently with a strict observance of the rules prescribed for the maintenance of neutrality.

(Signed) GEO. HIGINBOTHAM.

CROWN LAW-OFFICES, *February* 6, 1865.

[Inclosure 65 in No. 24.]

Mr. Tyler to Mr. Smith.

CUSTOM-HOUSE, *Melbourne, February* 7, 1865.

SIR: With reference to your application of the 6th instant for permission to land certain surplus stores, &c., from the confederate steamer Shenandoah, I have the honor to inform you that your application has been laid before the government, and submitted for the opinion of the Crown law-officers. I am directed to express their regret that the permission sought cannot be granted without acting inconsistently with a strict observance of the rules prescribed for the maintenance of neutrality between the North American belligerents.

(Signed) J. CHATFIELD TYLER.

[Inclosure 66 in No. 24.]

Mr. Payne to Mr. Francis.

MELBOURNE, *February* 10, 1865.

SIR: I have the honor herewith to inclose a report of survey on damages sustained to the inner bearing of the screw-shaft of the confederate steamer Shenandoah.

The vessel was partially hauled up on the patent slip late on the afternoon of the 9th instant, and this morning the board (at half-past 9) proceeded to inspect the extent of the damages.

The report furnished by the divers has been so far corroborated, and the model alluded to in my letter of the 1st instant can now be completed, and will be forwarded as early as possible.

The board deemed it advisable, before completing their survey, that the captain should be requested to state whether he was aware (since the vessel had been hauled on the slip) of any further repairs that were necessary to be completed. For this purpose I again proceeded on board, and, in the absence of the captain, was informed by the first lieutenant that he considered the damage to the inner bearing of the screw-shaft was the only repair necessary to render the Shenanadoah seaworthy.

I have, &c.,

(Signed) CHARLES R. PAYNE,
Late Lieutenant, Royal Navy.

[Inclosure 67 in No. 24.]

Further report on the confederate steamship Shenandoah.

The Shenandoah having been hauled up on the patent slip at Williamstown, we, the undersigned, proceeded to hold a survey on the damage sustained to the forward bearing of the outer length of the screw-shaft, and find as follows, viz:

1st. That the lignum-vitæ staves, forming the bearing for the forward end of the outer length of the screw-shaft, are entirely displaced.

2d. That the inner stern-post bracket, in which the staves of lignum-vitæ are fitted, forming also the support for the foremost end of the screw-frame, is fractured on the starboard side to the extent of about four inches.

3d. That these repairs (necessary to render the steamship seaworthy) can be effected in or about five clear working-days from this date.

(Signed) CHARLES B. PAYNE,
Late Lieutenant, Royal Navy.
ALEX. WILSON,
Engineer Surveyor.
DOUGLAS ELDER,
Superintendent Marine Yard.

WILLIAMSTOWN, *February* 10, 1865.

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[523] *[Inclosure 68 in No. 24.]

Mr. Blanchard to Governor Sir C. Darling, February 10, 1865.

[See inclosure 29 in No. 32.]

[Inclosure 69 in No. 24.]

Affidavit of John Williams.

[See inclosure 30 in No. 32.]

[Inclosure 70 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, February 14, 1865.

[See page 643.]

[Inclosure 71 in No. 24.]

Police report.

SANDRIDGE, *February* 13, 1865.

Detective Kennedy reports, in reply to certain questions submitted to him for inquiry on the 11th instant:

Alleged enlistment of British subjects.

1st. That twenty men have been discharged from the Shenandoah since her arrival at this port.

2d. That Captain Waddell intends to ship forty hands here, who are to be taken on board during the night, and to sign articles when they are outside the Heads.

It is stated that the captain wishes, if possible, to ship foreign seamen only, and all Englishmen shipped here are to assume a foreign name.

McGrath, Finlay, and O'Brien, three Melbourne boarding-house keepers, are said to be employed in getting the requisite number of men, who are to receive £6 per month wages, and £8 bounty, &c.

Peter Kerr, a shipwright living in Railway-place, Sandridge, stated about a fortnight ago, in the hearing of several persons, that Captain Waddell offered him £17 per month to ship as carpenter. A waterman named McLaren, now at Sandridge, is either already enlisted, or about to be so.

The detective has been unable, up to the present, to collect any reliable information as to whether ammunition, &c., has been put on board the Shenandoah at this port, or whether arrangements have been made with any person for that purpose.

(Signed) D. S. KENNEDY,
First-class Detective, 634.

The SUPERINTENDENT OF DETECTIVES.

Urgent.—For the chief commissioner's information.

(Signed) C. H. NICOLSON,
Superintendent.

FEBRUARY 13, 1865.

Mr. Scott, resident clerk, has been informed—in fact, he overheard a person represented as an assistant purser state—that about sixty men engaged here were to be shipped on board an old vessel, believed to be the Eli Whitney, together with a quantity of ammunition, &c., about two or three days before the Shenandoah sails. The former vessel is to be cleared out for Portland or Warrnambool, but is to wait outside the Heads for the Shenandoah, to whom her cargo and passengers are to be transferred.

(Signed) C. H. NICOLSON,
Superintendent.

FEBRUARY 13, 1865.

Forwarded for the information of the honorable the chief secretary.

(Signed) FREDK. C. STANDISH,
Chief Commissioner of Police.

FEBRUARY 13, 1865.

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[524] *[Inclosure 72 in No. 24.]

Extract from the minutes of the council.—Minute 65, 10, *of the proceedings on the* 14*th of February,* 1865.

Refusal of commander to allow search of the vessel for execution of a warrant.

The council are specially summoned to consider a report from Police Superintendent Lyttleton, to whom had been intrusted the warrant mentioned in yesterday's proceedings, for the arrest of a British subject known as "Charley," who was stated on oath to have illegally enlisted himself on board the confederate steamship Shenandoah.

The report is read to the council.

His excellency then draws the attention of his advisers to the gravity of the present state of affairs, as respects the confederate steamship Shenandoah; and points out that as the ordinary course of the law has been frustrated, by Lieutenant Waddell refusing to allow the execution of a warrant issued upon a sworn information, it becomes necessary to consider what steps should now be taken to enforce the maintenance of neutrality.

Permission to repair suspended.

After full consideration of the instructions issued by Her Majesty's government for the observance of neutrality, and some discussion upon the question of the right of the government to enforce the execution of the warrant, the council advise his excellency to direct the honorable the commissioner of trade and customs to write to Lieutenant Waddell, and request that officer to reconsider his expressed determination to resist, by force, the execution of the warrant; and further, to inform him that, pending his reply, the permission which has been granted him to repair and take in supplies has been suspended by the governor.

His excellency then issues a direction under his own hand that, upon the receipt of an instruction to that effect from the chief commissioner of police, none of Her Majesty's subjects in this colony are to render any aid or assistance to, or perform any work in respect to, the so-called confederate steamship Shenandoah, or in launching the same.

His excellency further directs that the chief commissioner of police be instructed to send some police to Williamstown, to take care that the direction above mentioned is duly observed by Her Majesty's subjects; and that the officer in charge of this force be strictly enjoined to prevent any collision between the police and the officers and men of the Shenandoah; and that no obstruction in any manner whatever is to be offered to their movements.

A true extract.

(Signed) J. H. KAY,
Clerk of the Council.

[Inclosure 73 in No. 24.]

Superintendent Lyttleton to the chief commissioner of police, Melbourne.

POLICE DEPARTMENT, SUPERINTENDENT'S OFFICE,
Melbourne, February 14, 1865.

SIR: I have the honor to inform you that, acting on your instructions, I proceeded last evening to the confederate war-steamer Shenandoah with a warrant for the arrest of a man known as "Charley," stated to have illegally engaged himself on board the vessel. I asked for Captain Waddell, but was informed that he was not on board. I then asked for the officer in charge, saw him, and obtained permission to go on board. I told the officer my business, and requested that he would allow me to see the men on board in order that I might execute my warrant. He refused to allow me. He then showed me the ship's articles, and asked me to point out the name of the man, which I was unable to do. I showed him my warrant, which he looked over, and returning it to me said, "That is all right, but you shall not go over the ship." He told me I had better return when the captain was on board; but as he could not say at what hour he would probably return, I told him that I would see the captain the following day.

This morning I went again to the Shenandoah, and, after stating my business, was allowed on board. I told Captain Waddell that I was informed he had persons on board who had joined his vessel here, and that, informations having been sworn to that effect, I had a warrant with me. He said, "I pledge you my word of honor as an officer and a gentleman that I have not any one on board, nor have I engaged any one, nor will I while I am here." I said I understood that the persons I wanted were wearing the uniform of the Confederate States, and were working on board. This he distinctly denied. He offered to show me the ship's articles, but I declined, and told him that I had seen them last evening. I then asked him to allow me to go over the ship, and see if the men [525] *I wanted were on board. This he refused to do. I said I must try to execute my warrant even if I had to use force. He said he would use force to resist me, and that, if he was overcome, he would throw up his ship to the government here, and go home and report the matter to his government. He said that he dare not allow me to search his ship, that "it was more than his commission was worth, and that such a thing would not be attempted by the government to a ship of war of any other country." He said "it was only by courtesy that I was allowed on board," and that he considered "a great slight had been put upon him by sending me to the ship with a warrant." He said he thought that his "word should be taken in preference to that of men who had probably deserted from the ship, and had been put up to annoy him by the American consul." He said that if I "took one man, I might come afterward and take fifteen or twenty," and that the American consul would perhaps lay an information against him as being a "buccaneer or pirate." He said he thought that he had been "very badly treated here by the police refusing to assist him in arresting his deserters." Before leaving, I asked him again if he refused to allow me to look for the man for whom I had a warrant in my hand. He replied, yes, that he did refuse, and that he would "fight his ship rather than allow it." I then left.

I am, &c.,
(Signed) THOMAS LYTTLETON,
Superintendent.

[Inclosure 74 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, February 14, 1865.

[See page 643.]

[Inclosure 75 in No. 24.]

Minute by Governor Sir C. Darling.

I hereby direct that, upon the receipt of an instruction to that effect from the chief commissioner of police, none of Her Majesty's subjects in this colony will render any aid and assistance to, or perform any work in respect to, the so-called confederate ship Shenandoah, or in launching the same.

(Signed) C. H. DARLING.

EXECUTIVE COUNCIL CHAMBER, MELBOURNE,
February 14, 1865, 3.15 p. m.

[Inclosure 76 in No. 24.]

Extract from the minutes of the council—Minute 65, 11, *of the proceedings on the* 15*th of February,* 1865.

The council are summoned for further consideration of matters relating to the confederate steam-ship Shenandoah.

His excellency informs them that the letter which was addressed to Lieutenant Waddell by the honorable commissioner of trade and customs, informing him of the suspension of the permission to repair and take in supplies, was forwarded by a special messenger last evening, who delivered it on board the vessel about 6 p. m., and that after having been kept waiting on board until about 10 p. m., two letters addressed to the honorable the commissioner of trade and customs were given to an officer of the ship, who accompanied the special messenger on shore, and which letters his excellency now lays before the council.

The first was to inform his excellency that Lieutenant Waddell hoped to be able to get to sea by the 19th instant, unless some unforeseen accident occurred to prevent his doing so. The second was from Lieutenant Waddell, in reply to Mr. Francis's letter of yesterday, which informed him of the suspension, by his excellency the governor, of the permission to repair and take in supplies, and of the reasons which rendered this step necessary.

The letters are read to the council.

[526] *A report from the superintendent of police at Williamstown, on the capture of four men who have been seen by the police to leave the Shenandoah, in a waterman's boat about 10 p. m., last night, is laid upon the table.

Four men arrested.

A telegram from the inspector of police in charge at Williamstown, stating that the informer had identified one of the four men who had been taken by the water-police last night as the man called "Charlie," is also laid upon the table.

His excellency informs the council that he has received from the United States consul two affidavits from persons named F. C. Behncke and Herrmann Wicke, sworn in the presence of the consul, which, in the consul's opinion, tended to show a continued violation of law by persons on board the Shenandoah.

A further letter from Lieutenant Waddell to the commissioner of trade and customs of this morning's date, and which has just been received, is then laid upon the table of the council. It is therein alleged by Lieutenant Waddell that, as he has been informed by the manager of the slip that the slip has been seized to prevent the launching of the Shenandoah, it is of necessity, in his opinion, a seizure of the vessel under his command; and he begs respectfully to be informed if this seizure is known to his excellency, and if it meets with his approval.

A letter from the lessee of the slip, stating that his manager at Williamstown had informed him that should a gale of wind arise he would either be compelled to launch the Shenandoah, or run a great risk of her sustaining a serious amount of damage, in consequence of her unsafe position in the cradle, is also laid before the council.

His excellency then consults his advisers upon the present position of affairs regarding the Shenandoah, and invites their opinion as to whether the object which was in view at the time of the suspension of the privileges granted to the commander of that vessel, had not been accomplished by the apprehension of the man for whom the warrant—which Lieutenant Waddell refused to allow to be executed—had been issued.

On discussing the various features of the case, as presented by the correspondence and the reports now before them, his excellency and his council remark upon the disagreement in the statements of Lieutenant Waddell, "That no such person was on board the Shenandoah"—"that there were no persons on board his ship except those whose names are on the shipping articles"—"that no one has been enlisted in the service of the Confederate States since his arrival in the port"—"nor had he in any way violated the neutrality of the," &c., with the indisputable fact that four men were seen by the police to leave the vessel last night, one of whom has been identified as a British subject named "Charlie," and that there was very strong evidence before the government, on sworn affidavits, that several British subjects had been seen on board that vessel for some days, taking part in the ordinary duties of the ship.

Passing from this subject, upon which his excellency and the council have no desire to dwell, the unsafe position of the vessel on the cradle, as reported by the manager of the slip, is next considered; and as, on inquiry, it had been ascertained that the tide would serve for launching her about 4 o'clock this afternoon, and there was no desire to endanger the safety of the ship, his excellency determines, with the advice of the council, to cancel the direction of yesterday, and to revive the permission to Her Majesty's subjects to aid and assist in effecting the necessary repairs to that vessel.

Permission to repair again granted.

With reference to the discussion of the previous day, on the law-officers being asked by his excellency whether they were of opinion that the warrant could be executed, they said that they were not prepared to advise his excellency that the warrant could be executed at all hazards.

The further consideration of Lieutenant Waddell's letter of this morning's date is then invited, and it is advised that he should be informed that the government had not directed or authorized the seizure of the Shenandoah, and that the general nature of instructions which had been issued yesterday to the police should be communicated to him. He was also to be informed of the apprehension of the four men by the police last night, which men had made statements that they were on board his vessel on the 13th and 14th instants, when their presence was denied by himself and by the commanding officer during his absence, and that it had been ascertained that one of these men was the person named in the warrant which he had refused to allow the officer charged with its execution to carry into effect. It was to be further communicated to Lieutenant Waddell that, in the opinion of the government, it was plain, as a matter of fact, that the foreign-enlistment act was in course of being evaded, but that as he has given his assurance "that there were no persons on board his ship whose names were not in the shipping articles," and that "no one had enlisted in the service of the Confederate States since his arrival in the port," his excellency had revoked his direction of yesterday, which suspended permission to British subjects to aid him in [527] his repairs and supplies, and that it * was expected he would use every dispatch in getting to sea by the time he had named for his departure.

A true extract.

(Signed) J. H. KAY, *Clerk of the Council.*

[Inclosure 77 in No. 24.]

Lieutenant Commander Waddell to Mr. Francis, February 14, 1865.

[See page 643.]

[Inclosure 78 in No. 24.]

Lieutenant Commander Waddell to Mr. Francis, February 14, 1865.

[See page 644.]

[Inclosure 79 in No. 24.]

Superintendent Lyttleton to the chief commissioner of police, Melbourne.

Arrest of four men shipped on board the vessel.

I have the honor to inform you that, acting on your instructions, I proceeded yesterday, at 4 p. m., to Williamstown, and took possession of the slip on which the confederate vessel Shenandoah is placed. I cleared the yard, and would not allow any workmen to go on board the ship. At about 10 o'clock p. m. four men left the Shenandoah in a boat, pulled by two watermen. They were followed by the water-police, who were unable to come up with them until they got to the railway station. They were then requested to come back and see me. I questioned them, and they told me that they had been on board a few days unknown to the captain; and that as soon as he found they were on board he ordered them to go on shore. I have detained these men in custody, and have written to the American consul, requesting him to forward some one who may be able to identify them. The tug-steamers came at 4 a. m. this morning to tow the Shenandoah off. I ordered them off, and requested Captain Ferguson not to supply the ship with a pilot. I am still in charge of the slip.

I have, &c.,

(Signed) J. LYTTLETON.

[Inclosure 80 in No. 24.]

Police report.

WILLIAMSTOWN, *February* 15, 1863.

The Chief Commissioner of Police, Chief Secretary's Office:

The four men will be at the treasury at 3 p. m., as well as the informant, who has identified one of them as Charley, and two others, who shipped in the Shenandoah two weeks ago while in the bay.

(Signed) A. BEAVER, *Inspector.*

For the information of the honorable the chief secretary.

(Signed) FRED. C. STANDISH,
Chief Commissioner of Police.

FEBRUARY 15, 1865.

[Inclosure 81 in No. 24.]

Mr. Blanchard to Governor Sir C. Darling, February 14, 1865.

[See inclosure 37 in No. 32.]

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[528] * [Inclosure 82 in No. 24.]

Testimony of Hermann Wicke.

[See inclosure 38 in No. 32.]

[Inclosure 83 in No. 24.]

Testimony of Charles Behncke.

[See inclosure 39 in No. 32.]

[Inclosure 84 in No. 24.]

Lieutenant Commander Waddell to Mr. Francis, February 15, 1865.

[See page 645.]

[Inclosure 85 in No. 24.]

Mr. Chambers to the chief secretary.

MELBOURNE, *February* 15, 1865.

SIR: I have the honor to inform you that Captain Waddell, of the confederate steamer Shenandoah, gave me notice that his ship was ready for launching at 4 o'clock this morning; and as my manager at the patent slip reports to me, that should a gale of wind come on, he would either be compelled to launch the said ship, or run a great risk of her sustaining a serious amount of damage, in consequence of her unsafe position on the cradle. I therefore give you notice that the government (having prohibited me from launching the so-called confederate steamer) must now take that risk, and also be responsible for all expenses, &c., caused by the delay in stopping the operations at the patent slip.

I have &c.,
(Signed) ENOCH CHAMBERS, *Lessee.*

[Inclosure 86 in No. 24.]

Minute by Governor Sir C. Darling.

EXECUTIVE COUNCIL CHAMBERS,
February 15, 1865, 2.30 p. m.

The direction issued yesterday, under my hand, suspending the permission to aid and assist the Confederate States vessel Shenandoah in effecting necessary repairs and taking supplies, is hereby canceled, and the said permission revives and is again in force.

(Signed) C. H. DARLING,
Governor of Victoria.

[Inclosure 87 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, February 15, 1865.

[See page 645.]

[Inclosure 88 in No. 24.]

Mr. Francis to Lieutenant Commander Waddell, February 15, 1865.

[See page 645.]

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[529] *[Inclosure 89 in No. 24.]

Memorandum for Mr. Francis.

I have to request the honorable the commissioner of trade and customs will be so good as to make the arrangements for obtaining daily reports of the progress of the repairs and provisioning of the Shenandoah, and communicate the information obtained to me.

I am sure that the honorable commissioner will take every precaution in his power against the possibility of the commander of that vessel in any degree extending its armament, or rendering the present armament more effective.

(Signed) C. H. D.

TOORAK, *February* 3, 1865.

[Inclosure 90 in No. 24.]

Mr. Francis to Governor Sir C. Darling.

C—65, 55.]

DEPARTMENT OF TRADE AND CUSTOMS,
Melbourne, February 6, 1865.

SIR: I have the honor to acknowledge the receipt, this day, of your excellency's memorandum of the 3d instant, requesting that daily reports may be furnished, for your information, as to the repairs and provisioning of the Shenandoah, and I have to state that the necessary instructions have been furnished to the proper officers.

I have, &c.,

(Signed) JAS. G. FRANCIS,
Commissioner of Trade and Customs.

The following reports were accordingly forwarded by the inspector general of customs to the private secretary, for the information of his excellency the governor:

[Immediate.]

DEPARTMENT OF TRADE AND CUSTOMS,
C—65-60.] *Melbourne, February* 8, 1865.

The accompanying copy of a report from the tide inspector respecting the Shenandoah is transmitted for the information of his excellency the governor, with the respects of the commissioner of customs.

(Signed) J. GUTHRIE,
Inspector General of Customs.

65, 38.]

CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 7, 1865.

MEMO.—With reference to your minute of yesterday's date on 65, 421, I have to report that the Shenandoah, on Monday, was lightening, preparatory to be taken on the slip, by discharging stores and coals into lighters near the breakwater; but during one of the heavy squalls last night parted her moorings, and is now in the middle of the bay, at anchor.

(Signed) J. MACFARLANE,
Tide Inspector.

The COLLECTOR, *Melbourne.*

[Urgent.]

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 7, 1865

SIR: I have the honor to acknowledge the receipt this morning of your letter, No. B, 31, dated yesterday, instructing me to send in a daily report, showing the progress of the repairs of the Confederate States steamer Shenandoah.

I have just returned from the Shenandoah, and have to report that the day after she arrived a number of men from the shore were employed to calk her, and to-day I observe that the decks and part of the outside are nearly calked. This is the only repair now going on board; the defective portions of her machinery cannot be repaired until she is on the slip.

[530] * The crew and a party of men from the shore are now employed discharging coals and stores into lighters, which work has been somewhat retarded in consequence of the ship having last night broken adrift from between the two railway piers. At daylight this morning she was towed to a safe birth off the piers, and will, I have been given to understand, if she be sufficiently lightened, and weather permitting, be taken on the slip to-morrow afternoon.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

DEPARTMENT OF PORTS AND HARBORS, WILLIAMSTOWN,
February 8, 1865—1 p. m.

SIR: I have the honor to report that the Confederate States steamer Shenandoah is now being hauled upon the patent slip. Carpenters are employed calking the outside of the vessel.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

65, 40.] CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 8, 1865

MEMO.—The Shenandoah continued to discharge stores into lighters yesterday, but little progress was made, owing to the boisterous state of the weather. She is still at anchor in the bay, and will, in all probability, be taken upon the slip when the wind moderates.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 9, 1865.

SIR: I have the honor to report that the person in charge of the patent slip, on placing the Shenandoah on the cradle yesterday, found she was drawing too much water to admit of the vessel being taken up with safety.

The crew and men from the shore are lightening her abaft, preparatory to another trial to get her up to-day at high water.

The only repair going on is the calking outside.

No alteration, as far as I can perceive, has been effected on the upper or lower deck of the vessel, nor in the number or mode of working her guns, nor in the machinery, masts, nor rigging, since her arrival in our waters.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

5, 41.]

CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 6, 1865.

MEMO.—The Shenandoah was last night hauled into the fair-way for the slip, but, unless the tides are higher than at present, will have to continue lightening before being taken on the cradle.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, MELBOURNE.

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 10, 1865.

SIR: I have the honor to report that the Shenandoah is now on the patent slip. The only repair going on is the calking outside.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

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[531] *65, 44]

CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 10, 1865.

MEMO.—The Shenandoah was taken on the slip yesterday afternoon, and the contractors at once commenced repairs. Lighters alongside and under supervision.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

65, 46]

CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 11, 1865.

MEMO.—The Shenandoah still on the slip. Contractors effecting the necessary repairs. Lighters in the same position as yesterday.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 11, 1865.

SIR: I have the honor to report that mechanics are now employed repairing the Shenandoah's screw-bearings, also calking outside, and repairing the damages received during the gale on the 8th instant.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

he Hon. the COMMISSIONER OF TRADE AND CUSTOMS, *Melbourne.*

65, 47] CUSTOMS OFFICE, WILLIAMSTOWN,
February 13, 1865.

MEMO.—The Shenandoah still on the slip. Workmen engaged with repairs. Lighters in the same position as on Saturday.

(Signed) J. MACFARLANE,
Tide Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 13, 1865.

SIR: I have the honor to report that the mechanics on board the Shenandoah are employed to-day repairing the screw and screw-shaft, also calking the outside.

I have &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

CUSTOMS OFFICE, WILLIAMSTOWN,
February 14, 1865.

MEMO.—Shenandoah still on the slip. Repairs progressing. Will, in all probability, be re-launched this evening. Lighters, as before.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 14, 1865.

SIR: I have the honor to report that the Confederate States steamer Shenandoah will probably be floated from the slip this afternoon.

The outside repairs to the screw and screw-shaft will, I am informed, be completed to-day.

Carpenters are employed calking the ship outside.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

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[532] [By the electric telegraph.]

WILLIAMSTOWN, *February* 14, 1865.

It is intended to launch the Shenandoah from the patent slip this afternoon at 4 o'clock.

(Signed) CHARLES FERGUSON,
Chief Harbor-master.

65, 54.] CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 15, 1865.

MEMO.—The repairs to the propeller of the Shenandoah, and reshipping the same will probably be completed this afternoon, when the vessel will be ready for launching

The slip and approaches thereto have been taken possession of by the police, and still remain so.

(Signed) J. MACFARLANE.
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 15, 1865.

SIR: I have the honor to report that Mr. Langlands informs me that the repairs to the screw and screw-shaft of the Confederate States steamer Shenandoah are now finished.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

65, 55] CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 16, 1865.

MEMO.—The Shenandoah was launched from the patent slip yesterday evening and towed alongside the ship John Fraser, from which vessel she has been taking in coals during the night, under transshipment warrant $\frac{120}{13265}$; at the present time she is reshipping her original coals from the lighter.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

DEPARTMENT OF PORTS AND HARBORS,
Williamstown, February 16, 1865.

SIR: I have the honor to report that there are no repairs going on to-day on the outside of the Confederate States [steamer] Shenandoah.

I have, &c.,
(Signed) CHARLES FERGUSON,
Chief Harbor-master.

The Hon. the COMMISSIONER OF TRADE AND CUSTOMS.

65, 47] CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 17, 1865.

MEMO.—Shenandoah still at anchor, taking in coals during a portion of the night from the John Fraser; reshipping stores, &c., from lighter.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

CUSTOMS AND IMMIGRATION OFFICE,
Williamstown, February 18, 1865.

MEMO.—The Shenandoah, after reshipping the remainder of her stores and coals yesterday, left Hobson's bay this morning.

(Signed) J. MACFARLANE,
Tide-Inspector.

The COLLECTOR OF CUSTOMS, *Melbourne.*

533] *[Inclosure 91 in No. 24.]

Papers relating to the lease, &c., of the patent slip on which the Shenandoah was placed.

This indenture, made the 12th day of August, in the year of our Lord 1863, between the board of land and works on the part of Her Majesty's government of the colony of Victoria, hereinafter termed the lessors, of the one part, and Enoch Chambers, of the city of Melbourne, in the colony of Victoria, engineer and iron-founder, hereinafter designated the lessee, of the other part, witnesseth that, for and in consideration of the yearly rent hereinafter reserved, and of the covenants, stipulations, and agreements hereinafter contained, on the part of the said lessee, his executors, administrators, and assigns, to be paid, observed, and performed, they, the said lessor, do by these presents grant, demise, and lease unto the said lessee, his executors and administrators, all that the premises situated at Williamstown, in the county of Bourke, and colony of Victoria, known as the Government Patent-slip yard, together with the patent-slip platform, steam-engine, cradle, patent gear, and machinery now being thereon, and all other the goods, chattels, and effects mentioned and described in the schedule thereof, hereunto annexed, marked B, and all buildings, ways, passages, easements, privileges, rights, members, and appurtenances thereto belonging, to have and to hold the said premises, patent slip, platform, steam-engine, plant, gear, and machinery, and all other the goods, chattels, and effects in said schedule B, with the appurtenances, unto the said lessee, his executors, administrators, and assigns, for and during and until the end and term of three years, to be computed from the 12th day of August, 1863, yielding and paying to the said lessor, their successors and assigns, for and on behalf of Her Majesty's colony of Victoria, yearly, and every year during the said term, the rent or sum of £1,850 of lawful British money, by equal quarterly installments of £462 10*s.* on the 12th day of August, the 12th day of November, the 12th day of February, and the 12th day of May, the first of such quarterly payments to be made on or before the date hereof, and all such payments to be made without any deduction or abatement whatsoever; and the said lessee, for himself, his heirs, executors, administrators, and assigns, doth hereby covenant with the said lessors, their successors, and assigns, in manner following, that is to say: that he, the said lessee, his executors, administrators, or assigns, shall and will pay, or cause to be paid, unto the said lessors, their successors, or assigns, the yearly rent hereinbefore mentioned, on the days and in manner aforesaid, without any deduction or abatement whatsoever; and also shall and will pay bear, sustain, and discharge all rates and taxes and assessments whatsoever which now are or which hereafter shall or may be charged on said premises hereby granted, or any of them; and also shall not nor will, at any time hereafter during the continuance of the said term, sublet or assign the said premises, or the said patent slip, steam-engine, cradle, plant, gear, machinery, goods, chattels, and effects hereby demised, or any part thereof, without the consent in writing of the said lessors, their successors or assigns, first had and obtained; and it is hereby agreed and declared, by and between the said parties hereto, that all the clauses, conditions, stipulations, and agreements numbered 1 to 28, both inclusive, mentioned and contained in the schedule hereto annexed, marked A, being the conditions of the lease of the said patent slip and premises, shall have the same force and effect, and be as binding upon the said lessee, his executors, administrators, and assigns, as if the same were herein specially covenanted and agreed to by the said lessee; and the said lessee doth hereby, for himself, his heirs, executors, and administrators, covenant with the said lessors, their successors, and assigns, that he, the said lessee, his executors, administrators, and assigns, shall and will, during the continuance of this term, keep, observe, perform, and do all acts, matters, and things required in and by the clauses, conditions, stipulations, and agreements in said schedule, hereunto annexed, marked A, contained; and it is hereby agreed, and these presents are upon this express condition, that if the said yearly rent hereby reserved, or any part thereof, shall be unpaid for the space of four days next after any of the days whereon the same ought to be paid, although no formal or legal demand shall have been made thereof, or if the said lessee, his executors, administrators, or assigns, shall not in all things well and truly observe, perform, fulfill, and keep all and every the covenants, clauses, conditions, stipulations, and agreements herein and in the said schedule annexed, marked A, contained, which, on his or their part, ought to be observed, performed, fulfilled, or kept, or if the said lessee shall become or be adjudged bankrupt or insolvent, or shall assign his estate for the benefit of his creditors, then, and in either or any of such cases, it shall be lawful for the said lessors, their successors, and assigns, to enter into and upon the said premises hereby demised, or any part thereof, in the name of the whole, and the same to have [531] again, repossess, and enjoy, *as if this demise had not been made, and thereupon to eject and expel the said lessee, his executors, administrators, and assigns, and all and every person or persons whomsoever therefrom, and all plant, materials, and other property belonging to the said lessee, his executors, and administrators shall be forfeited and become the property of the said lessors. And the said lessors, for themselves, their successors, and assigns, do hereby covenant with the said lessee, his executors, and administrators, that he, the said lessee, his executors, and administrators, paying the rent hereinbefore reserved, and performing, observing, and keeping all and every clause, covenant, stipulation, and agreement herein, and in the said schedule marked A, contained, which on his or their part is to be performed and kept, shall and may peaceably and quietly have, hold, and enjoy the said premises, with the appurtenances hereinbefore described and intended to be hereby demised, and every part thereof, for and during the term hereby granted, without any interruption or disturbance by the said lessors, their successors, and assigns, or any person or persons lawfully claiming through or in trust for them.

In witness whereof the board of land and works have hereunto affixed their common seal, and the party hereto of the second part hath hereunto set his hand and seal the day and year first above written.

(Signed) ENOCH CHAMBERS. [L. S.]

Signed, sealed, and delivered by the said Enoch Chambers, in presence of—
(Signed) R. A. SUTHERLAND,
Solicitor, Melbourne.

Affixed the 12th day of August, 1863, in presence of—
(Signed) MATTHEW HERVEY, *Vice-President.* [L. S.]
W. W. WARDELL, *Member.*

SCHEDULE A.

PUBLIC WORKS OFFICE.

The patent slip, Williamstown, will be submitted to lease by tender for the term of three (3) years from the ———.

Tenderers are to name in their tender the rent or sum per annum which they are willing to give for the slip; and they are also to specify in such tender the kind of security which they intend to offer to the board of land and works for the due performance and observances of the covenants, clauses, stipulations, and agreements contained in the lease.

The highest or any tender will not necessarily be accepted.

The successful tenderer will be required, within twenty-four hours after the notification that the tender has been accepted, to pay into Her Majesty's treasury, at Melbourne, to the credit of the inspector general of public works, a deposit of £100, and shall be required, within fourteen days from the date of such notification, to find securities in the sum of £3,000 to the satisfaction of the board of land and works, for the due performance and observance of the covenants, clauses, stipulations, and agreements contained in the lease, and shall, within such time, pay the first quarter's rent of the premises.

If proper security has been furnished and the first quarter's rent paid within the time specified, possession of the slip shall be given on the 12th day of August, 1863, and the deposit money shall be returned; but, in the event of the non-compliance with conditions hereinbefore stated, the deposit money shall be absolutely forfeited to Her Majesty, her heirs, or successors, and the contract shall be considered to be rescinded.

The slip-foundations and machinery have been prepared to accommodate vessels not weighing more than two thousand tons weight, and everything is now open to inspection of any intending lessees. Plans of the machinery and slip-way can be seen at the slip-yard, Williamstown, where all other information can be obtained. The conditions of lease are as under:

1. The slip, slip-yard, and plant attached is to be leased for three years, commencing from the 12th day of August, 1863, at a fixed sum per annum, payment of which is to be made by quarterly installments in advance, namely, on or before the 12th day of August, the 12th day of November, the 12th day of February, and the 12th day of May, in each year.

2. The lessee to keep the platforms, slip, slip-way, cradle, steam-engine, and other machinery and works connected therewith in good repair and in sound working order during the time of his lease, and at its expiration to hand over the same in good order and condition, allowance being made for fair wear and tear. He is also to hand over an equal amount of plant to that which he received from the board of land and works.

[535] *3. The lessee to take the entire responsibility and risk in working the slip and to be solely responsible and liable for any loss or damage arising or accruing to the public, or any private person, during the term of his lease; and the lessee shall forward to the inspector general of public works, every six months, from the commencement of the lease, a certificate, from an officer appointed by the inspector general of public works for that purpose, that the machinery and works are in good condition, and all deficiencies in plant made good; and the lessee shall give such officer all such assistance that he may require in order to enable him to give such certificate.

4. The wood-work of the fence surrounding the slip-yard, the inside and outside of the engine-house and boiler-shed, also the parts of the machinery now painted, to receive one coat of oil-color paint, of a tint to be approved by the inspector general of public works, every six months, and all the wood-work of the cradle and platform to receive two coats of coal-tar every six months, counting the time, in both instances, from the commencement of lease.

5. The levels of the lines of slip-way to be re-adjusted by the lessee every twelve months.

6. All repairs and works are to be effected to the satisfaction of the inspector general of public works, and under the superintendence of an officer appointed by him for that purpose.

7. Vessels over two hundred tons register must not be charged more than 1*s.* per ton for the hauling up and launching, and at the rate of not more than 6*d.* a ton for every day they lay on the slip. Vessels under two hundred tons and over one hundred tons must not be charged more than 2*s.* a ton for the hauling up and launching, or more than 1*s.* a ton for every day they lay on the slip, all days to be days of twenty-four hours, and to be computed and commence from the time the vessel is hauled up.

8. Sailing-ships are to be charged fees on their regular tonnage, and steamboats on their register-tonnage, with the additional tonnage of the space occupied by their machinery, the tonnage in both cases to be of British measurement.

9. The lessee shall not charge any fees whatever for Sundays and proclaimed holidays, unless work is executed on the outside of the vessel below the water-line.

10. The lessee will receive and register all applications for the use of the slip, and every such application is to be attended to in rotation, provided that the fee for hauling up and launching to be paid to the lessee at the time of registering, and the lessee may require the fees for vessels lying on the slip to be paid daily in advance.

11. The lessee is to register such applications in a registration-book, wherein shall be entered the date of entry, the name of the ship, the register-tonnage, the master's name, the owner's or responsible agent's, the parties engaged to repair, and the amount of fees claimed by and paid to the lessee. Such book to be filled in daily, and to be at all times open to the inspection of the public between the hours of 9 a. m. and 4 p. m., and of any officer appointed by the inspector general of public works.

12. The platforms are not to be used for taking in or discharging cargo or ballast, and no vessels are to be moored to the platform, unless waiting for repairs; and in that case they must not remain longer than twenty-four hours at a time, without the sanction of the chief harbor-master being obtained from day to day by the lessee.

13. Her Majesty's ships, and all government vessels, and royal mail ships carrying mails by contract shall have a preferential claim to the use of the slip, and shall be taken on the slip before all vessels which may have been previously registered.

14. Every vessel using the slip will be required to have on board a sufficient crew to warp the vessel between the platforms and to steady her over and on the cradle, as directed by the lessee.

15. Immediately any vessel is hauled up she shall be left to the owners, captain, or agents, at their risk, to effect the necessary repairs, by or through any shipwrights they may think proper to employ distinct from the lessee of slip, and shall have for the use of the shipwrights, their laborers, and others employed by them jointly, with any other parties using the said ship, the slip-yard, sheds, and premises for all necessary purposes during the carrying on of the repairs to the said vessel, without any other charges than herein provided, they leaving her seated on the cradle, (as they received her,) ready for launching.

16. All necessary stage-planks, shores, bearers, blocks, and wedges for shores to be supplied by the lessee free from charge; but any damage accruing to the same to be made good or charged to the ship, the owners, or agents, in addition to the fees already mentioned.

17. If it is necessary to release the cradle from under a vessel to effect repairs, the same shall be done at the expense of the vessel, but under the supervision of the lessee.

[536] *18. If it is necessary to remove the cradle from under a vessel undergoing repairs for the purpose of hauling up another vessel, then the same shall be removed by and at the expense of the lessee, and the time occupied by the removal and replacing the cradle shall be deducted from the fees charged for "lay days."

19. Any keel or bilge-blocks on the cradle that may be split or otherwise destroyed by the parties repairing the ship shall be made good at the ship's expense; and all shores, blocks, stage-planks, and bearers lent by the lessee shall be removed and stacked to the satisfaction of the lessee previous to the vessel being launched.

20. The cradle may remain under any vessel repairing, if not required by the lessee for the purpose of hauling up another ship.

21. A second vessel can be taken on the slip, provided a bond is given to effect the repairs in such time as shall cause no delay to the first vessel.

22. The gates of the slip-yard are to be opened at 6 a. m. and closed at 6 p. m.; any further time beyond 6 p. m., if required, to be paid for at the rate of 3*s.* per hour; and all persons having lawful business in such slip-yard shall be at liberty to have ingress and egress thereto.

23. Any matters not provided for as between the lessee and the public shall be subject to such rules and regulations as the lessee, with the sanction of the inspector gen-

eral of public works, shall consider necessary to enforce, for the safety or convenience of the vessels and slip during the time the same shall be in use.

24. The board of land and works will have the power to inspect the platforms, slip, slip-way, cradle, steam-engine, plant, and machinery at all such times as they may deem desirable, and by such officers as they may appoint, and to order such repairs as they may consider necessary to insure the efficient condition of the slip.

25. The lessee to use all diligence to bring the slip into good repute, and to keep it open for the public benefit at all times during the term for which it is leased.

26. A monthly report, certified by the lessee, of the number of vessels taken on the slip, showing their class and tonnage, to be rendered to the inspector general of public works.

27. If the board of land and works should at any time become dissatisfied with the securities entered into by the lessee, the said board shall have power to require the lessee to find other security to the satisfaction of the said board, not exceeding £3,000 for the due performance of the covenants, clauses, stipulations, and agreements of the lease.

28. In the event of any of the above conditions not being complied with, or if the lessee shall become or be adjudged bankrupt or insolvent, or shall assign his estate for the benefit of his creditors, the lease shall be deemed forfeited, and the board of land and works shall have the power to re-enter and take possession; and all plant, materials, and other property belonging to the lessee shall be forfeited, and become the property of the said board.

(Signed) MATTHEW HERVEY,
Commissioner of Public Works.
ENOCH CHAMBERS.

[Inclosure 92 in No. 24.]

Evidence taken before the magistrates, &c.

C.—11 & 12 Vict., c. 43.

WARRANT IN THE FIRST INSTANCE.

To the constable of Williamstown, in the colony of Victoria, and to all other peace officers in the said colony:

Prosecutions for enlistment.

Whereas information hath this day been laid before the undersigned, one of Her Majesty's justices of the peace in and for the said colony, for that Charley, being a natural-born subject of the Queen, did unlawfully, knowingly, and without the leave or license of Her said Majesty, for that purpose had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty, enter himself, and agree to enlist and enter himself, to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out, used, equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province, or people, exercising or assuming to exercise the powers of [537] government, to wit, the Confederate States of America; and oath being now * made before me, substantiating the matter of such information: These are, therefore, to command you, in Her Majesty's name, forthwith to apprehend the said Charley, and to bring him before some one or more of Her Majesty's justices of the peace in and for the said colony, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal this 13th day of February, in the year of our Lord 1865, at Williamstown, in the colony aforesaid.

(Signed) JOHN WILKINS, *J. P.*

M.—11 & 12 Vict., c. 42.

Depositions of witnesses.

WILLIAMSTOWN, *to wit:*

The examination of Richard Wardle, John Williams, Charles Behnck, Herman Whicker, Walter James Madden, Alexander Minto, in the colony of Victoria, and Thomas Hamilton Lyttleton, of Melbourne, in the said colony, taken on oath, this 16th day of February, in the year of our Lord 1865, at Williamstown, in the colony aforesaid, before the undersigned, one of Her Majesty's justices of the peace for the said colony, in the presence and hearing of James Davidson, *alias* Charley, who was charged this day before me, for that he, the said James Davidson, *alias* Charley, on the 13th day of February, 1865, at Williamstown, in the colony of Victoria, being a natural-born subject of the Queen, did unlawfully, knowingly, and without the leave or license of Her said Majesty, for that purpose had and obtained under the sign-manual of Her said Majesty, or signified by order in council or by proclamation of Her said Majesty, rate himself, and agree to enlist and enter himself to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out, used, and equipped, and intended to be used, for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province, or people, exercising and assuming to exercise the powers of government, to wit, the Confederate States of America, this deponent, Richard Wardle, on his oath, said as follows: I am watch-house keeper at the police court, Williamstown. On the 14th instant, at 10 o'clock p. m., the prisoner, James Davidson, *alias* Charley, in company with three others, was given into my custody. He gave his name as James Davidson; said he was 22 years of age, a native of England, and a Protestant, and that he could read and write.

(Signed) R. WARDLE, *W. H. K.* 129.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

John Williams, being sworn, states: I am a native of the United States of America; I was taken from the bark D. Godfrey on the 7th November, 1864, by the Shenandoah. I entered on board her as cook, and arrived here on 25th January last. I know the prisoner now before the court; his name is Charles; he came on board the Shenandoah two days after we arrived, and was employed as cook to the ward-room officers. He had on the clothes he now wears when he came on board, and he afterward wore the confederate uniform. While on board I had conversation with him; asked him where he came from; he said London, and came in the Great Britain, and that he should like to sail in the Shenandoah. While in the galley, about a week after he came on board, Mr. Bullock, the sailing-master, was present where prisoner and myself were. Mr. Bullock asked the prisoner what he wanted in the ship; he said he came to join the ship. Mr. Bullock told him to keep out of sight while the visitors were on board. At this time the prisoner had on the ship's uniform; he, the prisoner, went into the forecastle. Mr. Bullock then told the master-at-arms to lock the forecastle-door, and to allow no visitors there, the prisoner at this time being in the forecastle.

I left the Shenandoah on the 5th February instant; the prisoner was then on board, and was cooking; he went into the forecastle, to remain there only while visitors were on board, coming out about dusk, after they had gone, and at night sleeping in a hammock in the berth-deck, next to me, and among other men, and returning to the forecastle when the visitors came the next day, and so continuously. I cooked the prisoner's victuals and sometimes took them to him myself, and sometimes the ship's boy took them. Each meal-time the master-at-arms came and unlocked the door,
passed in the food, and then relocked the door. Charley was in the forecastle at
[538] these times; I saw him in uniform; *he had it from a seaman named Griffiths,
while the prisoner was on board. I saw the first lieutenant speak to him; I saw this on more than one occasion—several times; and at these times Charley had on his uniform, and was in the galley cooking. I heard the lieutenant say to Charley, keep out of sight while in port, and when outside he would ship him.

Cross-examined by the prisoner: You told me your name was Charley, and not Bill. When you first came on board I called you Bill. The second day you were on board, you asked me for a razor to disguise yourself, so that they would not know you. You then had full whiskers up the cheek; you shaved them off, leaving mustache and chin-tuft, as you now appear in court.

(Signed) JOHN WILLIAMS.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Walter James Madden: I am a native of Boston; was a seaman on board the D. Godfrey on the 7th November, 1864, and was then taken from her by the Shenandoah, and entered in her as seaman, rated as captain of the hold. The Shenandoah arrived on the 25th January last, being the first port we touched since I joined her. I first saw the prisoner Charley a day or two after our arrival in Hobson's Bay, on board the Shenandoah; he was working in the galley; had on the ship's uniform; had conversation with him; asked him what he was doing on board; he said he came to join her if he could. Visitors were on board while I was there; and at mess-times Charley was in the forecastle; and during mess-times the forecastle was locked by the master-at-arms; he had his dinner in the forecastle; it was passed in to him by the mess-boy; have seen the quartermaster, Wiggins, pass it to him; did not see Williams pass it; the food was passed in through the hole where the chain was passed through; there was a door to that hole, which door was kept shut; visitors came on board in the middle of the day, and at these times Charley was locked up in the forecastle; after they had left, Charley used to come out in the evening.

The prisoner was known as Charley on board; he slept aft and I slept forward.

I left the ship a week ago last Tuesday; the prisoner was then on board; wore a portion of the uniform—pants, a hat, and cap—during the time he was on board; on the cap were two stripes, one red, one white. I have seen petty officers speak to the prisoner, one chief boatswain's mate and one master-at-arms; have seen this every evening; have never been present when any orders were given by the officers to Charley; he was employed in the galley.

Many workmen have been on board since her arrival, but I have never known any of them sleep on board.

While Charley was in the forecastle, there were other persons there, but none of those that came in the ship.

I swore to an affidavit the other day to a man named Charley, and the prisoner is that man; he was in the galley on board when I left the ship.

Orders were given to muster twice while I was on board, and the first lieutenant was on the quarter-deck at the time; all hands who were in the ship's articles were mustered; the boatswain called them up; there is no general muster of all hands except the first of the month, and then not in port.

(Signed) WALTER J. MADDEN.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Charles Behnck, being sworn: I am a native of Germany, from Lubeck. I was taken from the bark Orleana, on the 29th October last, by the Shenandoah. I know the prisoner. I saw him first on board the Shenandoah, about five or six days after her arrival. I left the ship on Sunday last, the 12th instant. He continued to be on board from the time I first saw him, in the end of January, until I left, last Sunday. I have heard him called Charley. He was acting as cook in the galley, and wore ship's trowsers, and a cap, (gray, two red stripes and a white one in the centre.) I have seen visitors come on board; and on these occasions Charley was in the forecastle. At dinner-time he was in the forecastle, and had his dinner there. He was locked up there. His dinner was taken in by the mess-boy and passed in through a hole where the chain passed through. I have seen the door of the forecastle locked by the
[539] master-at-arms. After visitors had left the *ship, Charley came into the galley.
While they were there, he was in the forecastle. Have seen Charley in the forecastle, but never saw him either go in or come out. Charley slept in a hammock on the berth-deck.

(Signed) C. BEHNCK.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Herman Whicker sworn: Am a native of Germany. Was on the Orleana with the last witness, in October last. Was taken from her by the Shenandoah at that time. Arrived here on the 25th January last. I know the prisoner. Saw him abroad about seven or eight days after we arrived. I left the ship last Sunday; and from the time I first saw Charley until I left the ship last Sunday, he was on board all the time. He was in the galley as cook. Had on uniform—a gray cap, two red stripes and a white one in the middle. I have seen Charley go to the forecastle after breakfast, and be there at dinner. While visitors were on board, Charley remained in the forecastle, and had his meals there. After they had left, Charley came to the galley. He slept between decks in a hammock. I have had conversation with him about the vessel. He told me he had joined her as cook. Never heard any of the officers on board speak to or give orders to Charley. I never saw any of the officers go into the forecastle while I was on board. The forecastle was in charge of the master-at-arms, and who had charge of the prisoners while on board.

(Signed) HERMAN WHICKER.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Alexander Minto sworn: I am senior constable of water-police at Williamstown. I was in charge of a boat on the night of the 14th instant, a few minutes after 9 in the evening, on the patent slip at Williamstown, on which the Shenandoah was. While I was there, I saw a boat hauled up to the gangway of the Shenandoah; on her reaching the gangway I saw one of the officers in uniform standing at the gangway; one of the boatmen, named Nicholls, boarded the Shenandoah; a few seconds afterward the prisoner, with three others, came from the ship and got into the boat; Nicholls, one of the boatmen, remained in the ship, and Clark, the other boatman, remained in the boat. When I saw these men go into the boat; I took the police-boat alongside, and asked them who they were, and what they had been doing on board. Charley, the prisoner, was one of these men; I think the officer at the gangway could have heard what I said to the men; the men told me they had been working day-work on board. I heard a call from the ship, which I took to be from the officer at the gangway; and immediately afterward Nicholls slipped down from the ship into the boat; the boat then pulled right ahead of the ship. I followed the boat, lost sight of it; and afterward I went to the railway-platform, and saw Charley along with another man whom I had seen in the boat, and in the water-closet I found the other two men. I asked the men why they hurried away from the ship so quickly, they said, "O, the Shenandoah you mean," and asked me what I wanted. I said a gentleman down there wanted to see them; and they came with me. On accompanying me, Charley, the prisoner, said he was sorry he was not going, as he had sold everything he had to go on board the Shenandoah; he told me he had come out from London in the Indemnity. I took them to Mr. Lyttleton, the superintendent of police.

(Signed) ALEXR. MINTO.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Thomas Hamilton Lyttleton sworn: I am superintendent of police. On the morning of the 14th instant I went on board the Shenandoah, at the patent slip. I saw Captain Waddell, the captain of the vessel, and asked him to allow me to execute a warrant. I saw a flag on board, which I believe to be of the Confederate States of America.

I produce a warrant, which I took on board on the 14th instant, to arrest a man named Charley; I boarded with a warrant for the arrest of a man named Charley, [540] which *I was not allowed to execute. I am enabled to state the vessel is a confederate commissioned vessel. I had had a description of the man Charley, and from it I immediately, when the last witness brought him to me, said, "I believe you are the very Charley I want;" he laughed, and said it was a great joke on board about Charley you wanted, but I am not the man. The prisoner told me he had been a few days on board.

(Signed) THOMAS HAMILTON LYTTLETON.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

N.—11 and 12 Vict., c. 42.

Statement of the accused.

WILLIAMSTOWN, *to wit:*

James Davidson, *alias* Charley, stands charged before the undersigned, one of Her Majesty's justices of the peace in and for the colony of Victoria, this 16th day of February, in the year of our Lord 1865, for that he the said James Davidson, *alias* Charley, on the 13th day of February, 1865, at Williamstown, in the said colony, being a natural-born subject of the Queen, did unlawfully, knowingly, and without the leave or license of Her said Majesty, for that purpose had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty rate himself, and agree to enlist and enter himself to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out and equipped and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province or people, exercising and assuming to exercise the powers of government, to wit, the Confederate States of America; and the said charge being read to the said James Davidson, *alias* Charley, and the witnesses for the presecution, Richard Wardell, John Williams, Walter James Madden, Charles Behnck, Herman Whicker, Alexander Minto, and Thomas Hamilton Lyttleton, being severally examined in his presence, the said James Davidson, *alias* Charley, is now addressed by me as follows: Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial. Whereupon the said James Davidson, *alias* Charley, declines to make any statement.

Taken before me, at Williamstown, in the said colony, the day and year first above mentioned.
(Signed) F. CALL, *P. M.*

A.—11 and 12 Vict., c. 42.

Information and complaint for an indictable offense.

WILLIAMSTOWN, *to wit:*

The information and complaint of Walter J. Madden, of Williamstown, in the colony of Victoria, taken this 16th day of February, in the year of our Lord 1865, before the undersigned, one of Her Majesty's justices of the peace in and for the said colony, who saith that Arthur Walmsley, being a natural-born subject of Her Majesty the Queen, did, on the 13th day of February, 1865, in Hobson's Bay, being a place within the colony of Victoria aforesaid, unlawfully and knowingly, and without the leave or license of Her said Majesty for that purpose first had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty, agree to enlist and enter himself to serve as a sailor, and to be employed and serve in and on board a certain ship or vessel of war, called the Shenandoah, fitted out, used, and equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province or people exercising and assuming to exercise the powers of government, to wit, the Confederate States of America, contrary to the statute in that case made and provided.
(Signed) WALTER J. MADDEN.

Sworn before me the day and year first above mentioned, at Williamstown, in the said colony.
(Signed) F. CALL, *P. M.*

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[541] *M.—11 and 12 Vict., c. 42.

Deposition of witnesses.

WILLIAMSTOWN, *to wit:*

The examination of Thomas Hamilton Lyttleton, Richard Wardle, Charles Behnck, Herman Whicker, in the colony of Victoria, and Alexander Minto, of Melbourne, in the said colony, taken on oath this 16th day of February, in the year of our Lord 1865, at Williamstown, in the colony aforesaid, before the undersigned, one of Her Majesty's justices of the peace for the said colony, in the presence and hearing of Arthur Walmsley, who was charged this day before me, for that he, the said Arthur Walmsley, on the 13th day of February, 1865, at Williamstown, in the colony of Victoria, being a natural-born subject of the Queen, did unlawfully, knowingly, and without the leave or license of Her said Majesty for that purpose had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty, rate himself and agree to enlist, and enter himself, to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out, used, and equipped, and intended to be used for warlike purposes, in the service of a certain foreign power, province, or people, or part of a foreign province or people, exercising and assuming to exercise the powers of government, to wit, the Confederate States America.

This deponent, Thomas Hamilton Lyttleton, on his oath, saith as follows: I am superintendent of police at Melbourne; I was on board the Shenandoah on the 14th February instant; saw the captain, who told me the Shenandoah was a confederate war-vessel; saw the flag on board which I believe to be the confederate flag; the prisoner Walmsley, with three others, was brought to me on the night of the 14th instant, between 9 and 10 o'clock.

I told him his father was asking after him; he said he had none. I cannot say distinctly how long he said he had been on board the Shenandoah; I think it was two or three days.
(Signed) THOMAS HAMILTON LYTTLETON.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.
(Signed) F. CALL, *P. M.*

Richard Wardle: I am watch-house keeper at Williamstown; on the night of the 14th instant the prisoner, Arthur Walmsley, was given into my charge, in company with three others; he said he was an Englishman, 17 years of age, could read and write, and was a Protestant.

(Signed) RICH. WARDLE, *W. H. K. Reg.*, 1291.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Charles Behnck, sworn, says: I am a native of Germany. I was taken from the Orleana, on the 29th October last, by the Shenandoah, and came in her to Hobson's Bay; saw the prisoner on board on the 7th instant; saw him painting between decks last Saturday, the 11th instant; he had his meat in a berth-deck, No. 2 mess. I left the ship on Sunday last, the 12th, and from the time I first saw the prisoner, on the 7th, until last Sunday, he was on board the whole of the time. When visitors came on board, he was sometimes in the forecastle and sometimes on deck; he slept in the berth-deck. Had no conversation with him while on board the Shenandoah.

(Signed) C. BEHNCK.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Herman Whicker, sworn, states: I am a native of Germany; was seaman in the Orleana, and was taken by the Shenandoah from her on the 29th October last; arrived here on 25th January last; saw the prisoner on board, first on the 7th February, [542] *and I left the ship on Sunday, the 12th; the prisoner was on board the whole time; the prisoner slept in the berth-deck, and had his meals between decks in the No. 2 mess. I have seen him work on board, painting between the decks; had conversation with him while on board; asked him what he was doing on board; he said, I will join her as seaman before the mast; said nothing else. He was two days on board when he told me this, and it was after this conversation that I saw him painting.

(Signed) HERMAN WHICKER.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Alexander Minto being sworn, stated: I am senior constable of Williamstown water-police. On the night of the 14th instant was in charge of a boat near the patent slip; I saw a boat haul up to the Shenandoah, which was on the patent slip, and saw an officer standing on the gangway in uniform; there were two men in the boat, Nichol and Clarke; Nichol went on board and Clarke remained; presently four men, one of whom was the prisoner, came from the ship and got into the boat; I hauled alongside the boat and asked, "what they had been doing on board;" was answered, they had been doing day-work on board. I then heard a call, "George," which seemed to come from the officer at the gangway on board the Shenandoah; Nichol then slid down the side of the Shenandoah and got into the boat, which went away; I followed them and saw them afterward at the railway station. I took the four men, among whom was the prisoner, to Superintendent Lyttleton; asked him, the prisoner, "how long he had been in the Shenandoah;" and he said, "I went on board on the 13th." I asked him "what he went for." He said, "To see a friend who came from the same place in England."

(Signed) ALEX'R MINTO.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Charles Wilson: I am master of the lighter Catherine; I know the prisoner by seeing him about the lighters. Have seen him occasionally for the last fortnight. A lighter has, for the last two weeks, been alongside the Shenandoah, and I was engaged superintending the discharging of stores. During the time I was engaged near the Shenandoah, I saw the prisoner going occasionally to and from the Shenandoah in a boat; he has not, to my knowledge, been engaged on any lighter. I have seen him on board the lighter Midway, and have seen him two or three times within the last fortnight. I don't believe I have ever spoken to the boy, and cannot say that I saw him on the 14th or the 13th. Did not see him on Sunday, the 12th. Cannot say on what day I did see him. I have seen him on board the Shenandoah once; I cannot say what date. I did not see the boy after the ship was on the slip. I do not recollect having seen him from the 7th instant up to the 14th, and do not know where he has slept any portion of that time, and cannot say where he got his meals. Do not know that he was working for any one during this time. The boat on which the boy was, was one about fifteen feet; and I have seen him in it since the Shenandoah commenced discharging her stores.

(Signed) CHARLES WILSON.

Taken and sworn before me, at Williamstown, this 17th day of February, 1865.
(Signed) F. CALL, *P. M.*

Duncan Graham: Am master of the Potomac lighter. Know the boy before the court. He has occasionally cooked for me; not in my hired service, but when idle has come on board the lighter and has cooked for me. The last time he was in my lighter was the 7th instant. Last Tuesday week, in the morning, he was on board my lighter, and was on board for four or five days continuously, up to the 7th, Tuesday morning, when he left, and went ashore to Williamstown. I took him, and left him at Williamstown, at Oswald's dock. He then said he was going to look for work, and would look after the Shenandoah. He was not engaged on board my lighter. He left the lighter on Monday, and when he came back he told me had been to see a friend on board [543] the *Shenandoah. I did not see the boy last Tuesday, and I have not seen him from that date until now. Do not know where he slept between those days, or where he got his meals. Know nothing of him from that date to this.

(Signed) D. GRAHAM.

Taken and sworn before me, at Williamstown, this 17th day of February, 1865.
(Signed) F. CALL, *P. M.*

N.—11 and 12 Vict., c. 42.

Statement of the accused.

WILLIAMSTOWN, *to wit:*

Arthur Walmsley stands charged before the undersigned, one of Her Majesty's justices of the peace in and for the colony of Victoria, this 16th day of February, in the year of our Lord 1865, for that he, the said Arthur Walmsley, on the 13th day of February, 1865, at Williamstown, in the said colony, being a natural-born subject of the Queen, did, unlawfully, knowingly, and without the leave or license of Her said Majesty for that purpose had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty, rate himself, and agreed to enlist and enter himself to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out and equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province or people, exercising, and assuming to exercise the powers of government, to wit, the Confederate States of America; and the said charge being read to the said Arthur Walmsley and the witnesses for the prosecution, Thomas Hamilton Lyttleton, Richard Wardell, Charles Behnck, Herman Whicker, and Alexander Minto, being severally examined in his presence, the said Arthur Walmsley is now addressed by me as follows: Having heard the evidence, do you wish to say anything in answer to the charge; you are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial; whereupon the said Arthur Walmsley declines to make any statement.

A.—11 and 12 Vict., c. 42.

Information and complaint for an indictable offense.

WILLIAMSTOWN, *to wit:*

The information and complaint of Walter J. Madden, of Williamstown, in the colony of Victoria, taken this 16th day of February, in the year of our Lord 1865, before the undersigned, one of Her Majesty's justices of the peace in and for the said colony, who saith that William Mackenzie, being a natural-born subject of Her Majesty the Queen, did, on the 13th day of February, 1865, in Hobson's Bay, being a place within the colony of Victoria aforesaid, unlawfully and knowingly, and without the leave or license of Her said majesty for that purpose first had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty, agree to enlist and enter himself to serve as a sailor, and to be employed and serve in and on board a certain ship or vessel of war called the Shenandoah, fitted out, used, and equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province, or people, or part of a foreign province or people exercising and assuming to exercise the powers of government, to wit, the Confederate States of America, contrary to the statute in that case made and provided.

(Signed) WALTER J. MADDEN.

Sworn before me the day and year first above mentioned, at Williamstown, in the said colony.

(Signed) F. CALL, *P. M.*

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* M.—11 and 12 Vict., c. 42.

[544]

Depositions of witnesses.

WILLIAMSTOWN, *to wit:*

The examination of John Williams, Walter James Madden, Charles Behnck, Herman Whicker, Alexander Minto, Richard Wardle, in the colony of Victoria, and Thomas Hamilton Lyttleton, of Melbourne, in the said colony, taken on oath this 16th day of February in the year of our Lord 1865, at Williamstown, in the colony aforesaid, before the undersigned, one of Her Majesty's justices of the peace for the said colony, in the presence and hearing of William Mackenzie, who was charged this day before me, for that he, the said William Mackenzie, on the 13th day of February, 1865, at Williamstown, in the colony of Victoria, being a natural-born subject of the Queen, did unlawfully, knowingly, and without the leave or license of Her said Majesty for that purpose had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty, rate himself and agree to enlist and enter himself to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out, used, and equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province or people, exercising and assuming to exercise the powers of government, to wit, the Confederate States of America. This deponent, John Williams, on his oath, said as follows: I was taken from ship De Godfrey, by the Shenandoah, on the 7th November last; while on board I was cook. The Shenandoah arrived here on the 25th January last. I have seen the defendant, William Mackenzie, on board the Shenandoah; saw him on the 29th January; I left her on the 5th February instant. The prisoner was on board when I left; he was not doing anything; he was dressed in private clothes—no uniform at all. Visitors came on board while he was there; he never knocked about much. While visitors were on board prisoner was in the forecastle, and when they left he was out on deck; he had his dinner in the forecastle. None of the officers spoke to him in my presence. He had his breakfast in the forecastle, and supper also. Never had any conversation with him on board; he once asked me when the ship was going away, nothing else. The meals were taken to the prisoner by the mess-boy while the prisoner was in the forecastle, and after supper and the visitors had gone ashore I saw the forecastle unlocked by the master-at-arms, and when it was unlocked I saw the prisoner come out.

By the prisoner: The prisoner had been on board two or three days without any provisions, when I asked Mr. Grimble, the second lieutenant, what was to be done for you and the others in the forecastle, when he gave directions for me to go the master-at-arms for rations for you, and I cooked them and supplied them to you and the others in the forecastle. The prisoner slept in the berth-deck, not in a hammock. There were about twelve people in the forecastle; none of those in the forecastle arrived in the ship Shenandoah; they were men who wanted to join the ship.

(Signed) JOHN WILLIAMS.

Taken and sworn before me, at Williamstown, the 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Charles Behnck, being sworn: I am a native of Germany; was a seaman on board the Orleana on the 29th October last, and was then taken by the Shenandoah. I knew the defendant; first saw him on board the Shenandoah after she arrived here on the 25th January last, about five days after her arrival; he holystoned the deck on Saturday last, the 11th instant; I left the Shenandoah on the 12th instant; never saw him at work but once; he was dressed in his own clothes; slept in a berth-deck; he had his meals in the forecastle; there is a door to the forecastle which was locked while the prisoner was in, and I have seen the master-at-arms lock it while the prisoner was in it; while visitors were on board the prisoner was in the forecastle, and after they had gone he remained there; have not had any conversation with the prisoner as to what he intended to do; never heard any one give him orders to do anything.

(Signed) C. BEHNCK.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

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[545] *Herman Whicker sworn: Am a native of Germany; was taken from the Orleana by the Shenandoah on the 29th October last; arrived in Hobson's Bay the end of January last; about five days after her arrival I saw the prisoner. I have seen him work on deck with the holystone; I left the Shenandoah on the 12th instant, and the prisoner was then on board; he was in my mess for the first four or five days and had his meals with us; afterward he had his meals in the forecastle, and when visitors came on deck he was in the forecastle, and was so after they had left. I never heard any one tell him to go to work; have had no conversation with him on board. When the prisoner first came on board there was no lock to the forecastle door, but afterward more men came, and a lock was put on; I have seen the quartermaster lock the door after the meals were taken in. Two locks were put on the forecastle door.

(Signed) HERMAN WHICKER.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Walter James Madden: Am a native of Boston, United States; was a seaman on the De Godfrey, and taken therefrom by the Shenandoah, on the 7th November last; I arrived here on 25th January last. Have seen the prisoner William Mackenzie on board the Shenandoah some four or five days after arrival; did not see him engaged in anything; I left the ship on the 7th instant, and the prisoner was then on board; he was not generally on deck, but in the forecastle; his dinner was taken into him at the forecastle, and supper also; he was dressed in private clothes; when visitors came on board he was in the forecastle, and when they left in the evening he came out on deck; he used to sleep in a berth-deck; had conversation with him; he told me he had not been long going to sea, and would like to join as an ordinary seaman, and that he came on board to join the vessel. I never heard any orders given to the prisoner by the officers of the Shenandoah.

(Signed) WALTER J. MADDEN.

Taken and sworn before me, at Williamstown, the 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Alexander Minto, sworn: Am senior constable of water-police, Williamstown; I was in charge of a boat on the 14th instant, about 9 p. m.; the Shenandoah was then on the patent slip; I was near, and saw a boat haul alongside the Shenandoah; saw an officer at the gangway dressed in uniform; after the boat came alongside, I saw a boatman get out and go on the Shenandoah; George Nickle was the boatman, and a man named Clark remained; a few seconds after, four men left the Shenandoah and got into the boat; the prisoner was one of them; I hauled my boat close alongside theirs, and I asked the men in the boat what they had been doing; they said, "doing day's work;" the prisoner was then present; after this there was a call from the Shenandoah, which I took to be from the officer standing at the gangway, whom I had seen before, and Nickle left the Shenandoah and got into the boat; the four men, of whom the prisoner was one, were in this boat, and I afterward saw them at the railway station; I asked them why they hurried away; they said, "O! the Shenandoah;" I told them I wanted them to go with me to a gentlemen, and I took them to Superintendent Lyttleton; I asked him how long he had been on the Shenandoah, and said only a few days, and was sorry he could not go in the ship; I should have liked to have gone in her.

(Signed) ALEX'R MINTO.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.

(Signed) F. CALL, *P. M.*

Richard Wardle, being sworn, states: I am lock-up keeper at Williamstown. The prisoner, William Mackenzie, with three others, were given into my custody on [546] the *14th instant; he gave his name as William Mackenzie, seaman; aged 22; Englishman, and a Protestant.
(Signed) R. J. WARDLE, *W. H. R.*, 129.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.
(Signed) F. CALL, *P. M.*

Thomas Hamilton Lyttleton: I am superintendent of police. On the 14th February instant I went on board the Shenandoah to execute a warrant; while there I saw the captain, and I was informed by him that the Shenandoah was a confederate war-vessel.
(Signed) THOMAS HAMILTON LYTTLETON.

Taken and sworn before me, at Williamstown, this 16th day of February, 1865.
(Signed) F. CALL, *P. M.*

N.—11 and 12 Vict., c. 42.

Statement of the accused.

WILLIAMSTOWN, *to wit:*

William Mackenzie stands charged before the undersigned, one of Her Majesty's justices of the peace in and for the colony of Victoria, this 16th day of February, in the year of our Lord 1865, for that he, the said William Mackenzie, on the 13th day of February, 1865, at Williamstown, in the said colony, being a natural-born subject of the Queen, did unlawfully, knowingly, and without the leave or license of Her said Majesty for that purpose had and obtained under the sign-manual of Her said Majesty, or signified by order in council, or by proclamation of Her said Majesty, rate himself and agree to enlist and enter himself to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out and equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign province or people, exercising and assuming to exercise the powers of government, to wit, the Confederate States of America; and the said charge being read to the said William Mackenzie, and the witnesses for the prosecution, John Williams, Walter James Madden, Charles Behnck, Herman Whicker, Alexander Minto, Richard Wardle, and Thomas Hamilton Lyttleton, being severally examined in his presence, the said William Mackenzie is now addressed by me as follows: Having heard the evidence, do you wish to say anything in answer to the charge. You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial. Whereupon the said William Mackenzie saith as follows: I was not aware that I was breaking any law in going to join the vessel. I had been out of a ship for some time, and I thought I would get something to do as soon as possible.
(Signed) WILLIAM MACKENZIE.

Taken before me, at Williamstown, in the said colony, the day and year first above mentioned.
(Signed) F. CALL, *P. M.*

[Inclosure 93 in No. 24.]

Extract from the Argus of February 18, 1865.

THE SHENANDOAH AFFAIR.—Events have proved that we have not exaggerated the importance of the complications caused by the treatment by our local government of the Confederate States war-steamer Shenandoah. The value of the facts concerned has risen, inasmuch as they not only implicate those who manage our colonial affairs, but touch upon higher and imperial interests. To us and to our community, therefore, it is [547] *essential that the circumstances involved shall be placed fully and amply before our readers, and that, too, in such a form as to give grounds both for the judgment formed upon social and political considerations, and for that which is based upon the technicalities of form and expression. We have endeavored to meet both demands by the publication below of all the correspondence which has taken place between the commander of the Shenandoah and our local government.

In yesterday's issue we published a small portion of what appears below. We stated then that Captain Waddell had closed his communications with the government, and what has followed is soon told, in saying that since the Shenandoah has been prepared for sea as rapidly as possible. She was tolerably fit for sea when she left the government slip, at which her ill-wishers doubtless hoped she might be detained, and afterward, in strict compliance with his promise, Captain Waddell has got his crew to do such wonders in the way of coaling and shipping stores, that, in spite of the forced delay caused by her detention by the government on the government patent slip, she will doubtless leave our waters before the time named by her commander before the police prevented the launch.

Alleged enlistment denied by the officers of the Shenandoah.

That which we now place before our readers will go far to fix the value of the evidence given by the deserters from the Shenandoah, the object of which was to find the commander of the Shenandoah guilty, not only of a breach of that integrity so dear to Anglo-Saxons, but of international law likewise. First, we give the contradiction in their own words by the officers of the Shenandoah, of the police court witnesses' evidence. This it was intended should be put, if possible, in the form of a statutory declaration, but time and the pressure would not allow. We therefore leave the naked denials of the officers in question to have their force, as against the sworn evidence of four deserters. These contradictions are as follows:

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*Hobson's Bay, February* 17, 1865.

"I see in the journals of to-day that the following evidence was given by John Williams, before the Williamstown police court:

"'Visitors always left in the evening, and then Charlie was let out. Charlie got the uniform from Griffiths, a seaman. I have seen the first lieutenant, Mr. Whittle, speak to Charlie, too. He did so more than once. At such times Charlie had his uniform on, and was in the galley cooking.'

"I solemnly declare that the portion of this evidence with which my name is connected is utterly and entirely false.

"Again: 'I heard Mr. Whittle say that he could not ship him in port; but he was to keep him out of sight, and when they got out of port he would ship him.'

"I may have told the said Charlie that I could not and would not 'ship him in port,' as I told a great many applicants the same; but as to telling Charlie or any one else 'to keep out of sight, and when they got out of the port I would ship him,' I solemnly declare to be utterly and entirely false.

(Signed) "WM. C. WHITTLE, Jr.,
"*First Lieutenant, C. S. N., Confederate States Steamer Shenandoah.*"

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 17, 1865.

"I declare that John Williams, ship's cook on this vessel, never came to me with the report that there were men on board, or that there were men on board in want of something to eat; and that I never gave him an order for the master-at-arms to serve out rations to any one; and if I had done so I would have interfered with the duties of other officers on board this vessel, to whom the serving out of rations exclusively belongs.

(Signed) "JNO. GRIMBALL,
"*Lieutenant C. S. N., Confederate States Steamer of War Shenandoah.*"

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[548] *"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 17, 1865.

"I declare that the statements made by John Williams, regarding conversations had with some 'Charlie' or other and myself to be utterly false, except in so much that there may have been a 'Charlie' in the galley, who gave me a light for my cigar; as at meal-times, when workmen were on board the galley, and immediately around it, was usually crowded with strangers, several of whom handed me a light when requested; and one man upon handing me a light inquired if we could ship him, when I gave him my invariable answer to such questions, (many of which I have received,) viz: 'We can ship no men in this port, not even a southern citizen.' And I utterly deny having ever told any man to stow away or hide from visitors.

(Signed) "J. S. BULLOCK,
"*Acting Master, C. S. N., Confederate States Steamer Shenandoah.*"

"MELBOURNE, *February* 17, 1865.

"I hereby declare that no one except those on the ship's books, when this ship entered Melbourne, have been served with rations, or any part of such, by me during the time we have remained in Melbourne.

(Signed) "W. BREEDLOVE SMITH,
"*Acting Assistant Paymaster C. S. N.*"

"I declare that never while I have been in this port, and since the prisoners we brought here left us, locked the forecastle door, except once, when, on last Sunday three weeks, I locked up John Williams, negro cook, and put him in double irons, for being drunk and insulting our visitors. I also declare that I never knew of any persons being on board and kept hidden from visitors; and I never served out rations to any such persons, or ordered them to be served out. Had persons been allowed rations on board, such rations must have passed through my hands. I remember that I once found the man called 'Charlie' in the galley, and made him go on shore directly.

(Signed) "MICHAEL REID,
"*Master-at-Arms, Confederate States Steamer Shenandoah.*"

That which follows is the correspondence which has taken place between Captain Waddell and the Victorian government. In its place will be found the copy of a telegram sent by the chief commissioner of police to the inspector at Williamstown, which, being taken with the repudiation by our local government of any intention to "seize" the Shenandoah, may be read with interest. The concluding letter to Mr. Higinbotham, and its most uncharacteristic reply, must also command attention, although it forms no part of the official correspondence.

[For this correspondence, see page 639.]

[Inclosure 94 in No. 24.]

Lieutenant Commander Waddell to Mr. Francis, February 16, 1865.

[See page 646.]

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[549] [*Inclosure 95 in No. 24.]

Governor Sir C. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *Melbourne, February* 23, 1865.

SIR: The attorney general having, since the departure of the Shenandoah, apprised me that he had more fully considered the question of the right of the government to execute a warrant under the foreign-enlistment act on board that vessel, and arrived at the conclusion that the right referred to might be properly claimed, I requested him to furnish me with his written opinion, in order that I might forward it for consideration with the inquiry which I have submitted to Her Majesty's government in the final paragraph of my dispatch of the 23d instant, and I have now the honor to forward Mr. Higinbotham's opinion herewith.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 96 in No. 24.]

Opinion of Mr. Higinbotham.

CROWN LAW-OFFICES, *Melbourne, February* 14, 1865.

In obedience to his excellency's commands, the attorney general has the honor to submit an opinion to his excellency on the subject of the claim of exemption made by Lieutenant Waddell, commander of the confederate vessel Shenandoah.

Opinion of colonial attorney general.

A warrant for the arrest of a British subject, charged under the foreign-enlistment act with the offense of entering himself on board the confederate ship Shenandoah with the intent of enlisting in the service of the so-called Confederate States, has been issued by a magistrate. It has been alleged by Lieutenant Waddell that the execution of this warrant on board the Shenandoah by on officer of the Victorian police force could not lawfully be enforced, on the ground that such execution would be an infringement of the rule that a public ship of war, commissioned by a foreign state, is exempt from the jurisdiction of the local tribunals.

The rule in question is stated by the authorities to be a rule founded on international comity, and not one of natural right. It does not oust of their jurisdiction the courts of the country within whose waters an offense is committed. It is merely the expression of an implied license of exemption from local authority, and this license is conditional upon the observance of the rights of the neutral state, and may be withdrawn or limited by the express provisions of the municipal law. The customs laws of England and of Victoria furnish an instance in which the exemption of foreign ships of war from search is expressly taken away. (See 16 and 17 Vict., cap. 107, sect. 52, and 21 Vict. No. 13, sect. 44.)

In the case of an alleged infringement of the foreign-enlistment act, the recognition of the above rule would render the enforcement of the law for the most part impossible. The commander and officers of a foreign ship of war may be liable to proceedings as principal offenders against the statute, and it is hardly possible that an offense against the act of the nature charged in this case can be committed by a British subject without their privity of connivance. If offenders or accomplices are allowed the exclusive right of enforcing this law within the country where the offense is committed, the law itself will be virtually abrogated.

I am of opinion, therefore, that the claim of exemption made by Lieutenant Waddell might legally and properly be disallowed, even if it be assumed that the Shenandoah belongs to a recognized foreign state within the meaning of the rule referred to.

(Signed) JNO. HIGINBOTHAM.

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[550] [*Inclosure 97 in No. 24.]

Governor Sir C. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *Melbourne, February* 23, 1865.

Alleged illegal recruiting.

SIR: Referring to the 22d paragraph of my dispatch of the 23d February, in which I stated my intention of reporting further upon the alleged embarkation of men on board the Shenandoah on the night before her departure from Port Phillip, I have now the honor to forward copies of letters and accompanying documents from the chief commissioner of police, which seem to leave no doubt that the neutrality was, in this respect, violated by the commander of that vessel.

Intention of governor to refuse privileges to officers of Shenandoah in future.

2. I shall advise with the Crown law-officers as to the further steps which should be taken in this matter, and communicate copies of the papers in the case to the governors of the other Australasian colonies and the commodore on the station.

3. Should Lieutenant Waddell, or any other confederate officer known to have been on board the Shenandoah, again claim the privilege of a neutral from the government of this colony, it is my intention to refuse to grant that privilege pending the receipt of instructions from Her Majesty's government.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 98 in No. 24.]

Mr. Standish to the private secretary.

POLICE DEPARTMENT, CHIEF COMMISSIONER'S OFFICE,
Melbourne, February 22, 1865.

SIR: Having been informed by the honorable the attorney general that his excellency the governor was desirous of obtaining authentic information and proof of the statement made in the papers that a large number of men were put on board the Shenandoah during the night of Friday, the 17th instant, I called on the superintendents of the city and detective police to make every inquiry and to furnish me with reports, which I now beg to attach.

There can be no doubt that the men referred to in these reports were shipped on board the Shenandoah; but I think there would be some difficulty in getting the witnesses to make a declaration in support of the statements they made to the police, as they are aware that they have infringed the law by conveying these men on board the confederate ship.

Should it be deemed necessary to examine these witnesses, I think that a guarantee should be given to them that no proceedings will be taken against them.

I am informed that Mr. George Washington Robbins, of Sandridge, is willing to state all he knows respecting these occurrences.

I have, &c.,
(Signed) FREDK. C. STANDISH,
Chief of Commissioner of Police.

[Inclosure 99 in No. 24]

Police reports.

SANDRIDGE, *February* 21, 1865.

Police reports.

In reference to a report that a number of men were put on board the steamer Shenandoah previous to her departure from this port on the morning of the 18th instant, Detective Kennedy reports that he has made inquiries, and ascertained that, between 10 and 11 o'clock on the night of the 17th instant, a waterman, named Riley, plying at Sandridge, went off to the Shenandoah with either ten or twelve men, who went on board. The boat returned to Sandridge shortly afterward without any men, except Riley and a man named Mavi, who assisted in rowing.

The detective's informant, George W. Robbins, was in a boat alongside the Shenandoah at the time Riley's boat came alongside and put the number of men referred to on board. Robbins states that there were four other boats alongside at the time with men in them. Among the number of men seen by Robbins to go on board the
[551] *steamer, he can only speak with any degree of certainty to three men, named Tom Strong, Charles McLaren, and ——— Penlington.

With regard to one of these men, (McLaren,) Robbins's statement is corroborated by the fact that he (McLaren) stated openly, a short time back, to a waterman named Sawdy, and others, that he was about to ship in the Shenandoah. Previous to the 18th instant he sold his boat, and he has not been seen in Sandridge, where he formerly plied as a waterman, since the evening of the 17th instant.

Seven men, residents of Williamstown, who were employed coaling the Shenandoah, went on board on the morning of the 18th instant, under pretense of getting paid for their work.

They did not again come on shore, and upon inquiry and search being made, it has been found that these men, previous to the 18th instant, disposed of their effects, and their leaving, therefore, appears to have been premeditated. Their names can be got if required.

In preparing this report the detective has confined himself to facts; but it is stated that in all between sixty and seventy hands were shipped at this port.

(Signed) D. S. KENNEDY,
First-Class Detective.

[Inclosure 100 in No. 24.]

Mr. Standish to Superintendent Lyttleton.

[Immediate.]

POLICE DEPARTMENT, CHIEF COMMISSIONER'S OFFICE,
Melbourne, February 21, 1865.

MEMORANDUM.—Can all the facts stated by Mr. Lyttleton be substantiated by evidence easily procurable?

I understand that his excellency the governor will probably see some of the witnesses.

I have, &c.,
(Signed) FRED'K C. STANDISH,
Chief Commissioner of Police.

Evidence.

Two brothers, named Riley, boatmen on Sandridge Pier. They put them on board.

Senior Constable Mooney reported letter from Sutherland being sent back by pilot to Williamstown.

(Signed) GEORGE WASHINGTON ROBBINS.

SANDRIDGE.

[Inclosure 101 in No. 24.]

Mr. Lyttleton to Mr. Standish.

POLICE DEPARTMENT, SUPERINTENDENT'S OFFICE,
Melbourne, February 21, 1865.

SIR: I have the honor to inform you that I proceeded to Sandridge this morning to make inquiries as to the truth of the reports stating that persons had joined the confederate steamer Shenandoah previous to her leaving Hobson's Bay. I am unable to give the names of the whole who shipped, but the following are some of them:

Charles McLaren, brother of Robert McLaren, ex-pugilist and publican, Ballarat; Henry Riley, brother at Sandridge; Cornelius Regan, John May, John Hill, Robert Downing; William Kenan, *alias* Penlington; John Irwin, *alias* Scotty; Joseph Dane.

The above information is supplied by the boatmen who took them on board. An officer of the Shenandoah was on the railway pier at about 9 p. m., and another officer (apparently) in plain clothes. There were about forty men about that time, and the greater part went away into the scrub near.

The police-boat then pulled off to the vessel, when three watchmen's boats went off, two pulled by one man each, and the third having two; they had eighteen men in them and returned with the watermen only.

To men joined from Williamstown; one of them, Harry Sutherland, a ship's
[552] *carpenter, sent a letter back to the pilot from the Heads, saying that he liked the vessel and was very comfortable on board. The other man's name was Durham; he was a painter. If I receive further information—which I expect—I will report it.

(Signed) THOMAS H. LYTTLETON,
Superintendent.

[Inclosure 102 in No. 24.]

Mr. Standish to the private secretary.

POLICE DEPARTMENT, CHIEF COMMISSIONER'S OFFICE,
Melbourne, February 22, 1865.

SIR: Referring to my letter to you of this date, I have the honor to forward additional reports which I have received respecting the shipment of men on board the Shenandoah, for the information of his excellency the governor.

I have, &c.,
(Signed) FREDK. C. STANDISH,
Chief Commissioner of Police.

[Inclosure 103 in No. 24.]

Report of Constable Whitcher.

MELBOURNE DISTRICT, NO. 4, DIVISION OF POLICE,
Williamstown Water-police Station, February 21, 1865.

In consequence of information received relative to Captain Blacker, of the steam-vessel Saxonia, having joined the confederate steamship Shenandoah as sailing-master, Senior Constable James Whitcher, registered No. 1282, reports having visited the Saxonia this day for the purpose of ascertaining the facts, and was informed by Mr. Onsworth, chief officer, that Captain Blacker and his steward, a black boy, left the Saxonia on Friday afternoon, the 17th instant, Captain Blacker taking with him most of his effects and nautical instruments, likewise directing the officer to forward the remainder to the address which he, Captain Blacker, would hereafter send. The chief officer declined to state where Captain Blacker could be found, more than he was gone to sea, and remarked that Captain Blacker was a first-class pilot for the Australian, India, and China Seas.

(Signed) JAMES WHITCHER,
Registered No. 1282.

Forwarded to the officer in charge of the police of Williamstown. Sergeant Harvey has received positive information that the black boy mentioned in Senior Constable Whicher's report was last seen on board the Shenandoah at 7 a. m. of the 18th instant, she then being under way. These reports forwarded to the superintendent.

(Signed) HENRY HARVEY,
Sergeant Registered No. 526.

FEBRUARY 22, 1865—11.35 a. m.

(Signed) A. BEAVER,
Inspector.

FEBRUARY 22, 1865.

[Inclosure 104 in No. 24.]

Report of Inspector Beaver.

MELBOURNE DISTRICT, NO. 4, DIVISION OF POLICE,
Williamstown Station, February 22, 1865.

Senior Constable Thomas Mooney, registered No. 949, reports, for the information of the officer in charge of the division, that he has received positive information [553] that the six men named in the margin[1] left *Williamstown on Friday night last, the 17th instant, went on board of the confederate steamship Shenandoah, and joined her in Hobson's Bay.

The senior constable has no doubt that the information is correct, as the men had, a day or two before the sailing of the Shenandoah, sold off all their effects, and on Friday night before they left bid forewell to all their friends, stating that they were off with the Shenandoah. They have not been seen or heard of in Williamstown since.

(Signed) THOMAS MOONEY, *S. C.* 949.

For the information of the superintendent there is not a shadow of a doubt of these men having joined the Shenandoah.

(Signed) A. BEAVER, *Inspector.*

The OFFICER IN CHARGE OF POLICE, *Williamstown*

[Inclosure 105 in No. 24.]

Report of Constable Minto.

MELBOURNE DISTRICT, NO. 4 DIVISION OF POLICE,
Williamstown Water-police Station, February 21, 1865.

Senior Constable Minto, registered No. 920, reports that, at about 9 o'clock p. m. on the 17th instant, when on duty at the railway-pier, Sandridge, he observed three watermen's boats leave that pier and pull toward the confederate steamship Shenandoah, each boat containing about six passengers; observed likewise a person who the constable believed to be an officer of that ship, in plain clothes, superintending the embarkation of the passengers; saw the same boats returning in about half an hour afterward midway between the Shenandoah and the pier with only one man in each of them; on returning to the pier at about midnight was informed by the constable on duty there (Knox) that during the absence of the police-boat three or four boats had left the pier for the Shenandoah containing in all about twenty passengers; have made inquiries relative to the persons conveyed on board, and find that the parties named in the margin[1] were seen on board at 1 o'clock on the morning of the 18th instant.

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[1] 1. Samuel Cook; 2. William Green; 3. Robert Dunning; 4. Thomas Evans; 5. Henry Sutherland; 6. A man only known as Cookey.

(Signed) ALEXANDER MINTO,
Senior Constable, Water-police.

Forwarded to the officer in charge of the police, Williamstown.

(Signed) HENRY HARVEY,
Sergeant, Registered No. 526.

FEBRUARY 22, 1865.

[Inclosure 106 in No. 24.]

Superintendent Lyttleton to ——— ———.

POLICE DEPARTMENT, SUPERINTENDENT'S OFFICE,
Melbourne, February 22, 1865.

SIR: I have the honor to inform you that Mr. Collins, landlord of the All England Eleven Hotel, informed Sergeant O'Brien that some of the men employed by him had shipped on board the Shenandoah; he said he knew this was true; and also said that the Riley boat had put them on board. Nothing can be learned from Riley.

George Washington Robbins says that he passed across the bay on Friday night last with a message from the American consul to the police to the effect that the Shenandoah was shipping men on board; on his way he saw a boat pulled by Jack Riley and a man, Muir; they had about twelve men in the boat; on his return, Riley and Muir being alone, pulled off from the Shenandoah. I hailed Robbins; Robbins did not reply. Muir and Riley pulled close to Robbins's boat, and Muir took hold of it, while Riley lifted an oar as if to strike Robbins, who immediately struck Riley and then Muir, and pulled away to the pier, Riley and Muir following him, having no one on board but themselves; the case of assault will be heard in the police court at Sandridge
[554] to-morrow morning, when more facts may *come out. Mrs. Penlington states that her son, who was in the naval brigade, joined the Shenandoah on Friday night and left in her. Cornelius Regan's sister—she thinks he (Cornelius Regan) went up the country; he also belonged to the naval brigade. They did not take their arms, as they had not possession of them. The pilot who took the Shenandoah to sea says that he has not yet posted any of the letters given to him when he left the ship; he says that one letter addressed to a person at Queenscliff was delivered by him; he declined saying to whom it was addressed; this may be the letter written by Harry Sutherland referred to in my former letter. The pilot says their guns were all loaded before the vessel went outside the Heads. I attach reports forwarded to me this morning by the officer in charge of No. 4 division.

I have, &c.,
(Signed) THOS. W. LYTTLETON.

[Inclosure 107 in No. 24.]

Mr. Standish to the private secretary.

POLICE DEPARTMENT, CHIEF COMMISSIONER'S OFFICE,
Melbourne, February 23, 1865.

SIR: I have the honor to forward a further report from the detective police respecting the shipment of men for the Shenandoah, for the information of his excellency the governor.

I have, &c.,
(Signed) FREDK. C. STANDISH,
Chief Commissioner of Police.

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[1] Charles McLaren, Harry Riley, Billy Kenmen, Bull's Run, Scotty, Robert Brown, Jno. Hutchinson, Joseph Dain.

[Inclosure 108 in No. 24.]

Report of Constable Kennedy.

RE THE SHENANDOAH WAR-STEAMER.

SANDRIDGE, *February* 22, 1865.

In continuation of report dated 21st instant, Detective Kennedy further reports that the bark Maria Ross sailed from here about a quarter past 8 o'clock on the morning of the 18th instant. The following statement will show that there were no men on board that vessel except the crew:

Daniel Patrick Maloney, the detective's informant, states: "I was mate of the Maria Ross when she arrived last in this port. I applied for my discharge and got it. I subsequently arranged with the captain to act as watchman for the sum of £2 per week. I acted on board in that capacity up till the morning the vessel sailed. Previous to that I told the captain that a report had spread that eighty men were concealed on board. He said, 'The next time you are in Melbourne say there are 280.' I went with the vessel as far as Williamstown, and came on shore in the customs-boat. I was the last man who left the Maria Ross, and I am prepared to prove on oath that not a single man was concealed in any part of her, and there were no passengers from here, the vessel being bound for Portland, where she is to take six men on board and a number of sheep for Camden Harbor."

Maloney appears to be an intelligent and respectable man, and he expresses himself willing, if required, to come forward and certify on oath to the truth of the foregoing statement, which is confirmed by the crew of Her Majesty's customs-boat, who searched the vessel prior to her departure.

(Signed) D. L. KENNEDY,
First-Class Detective, 634.

[Inclosure 109 in No. 24.]

Report of Superintendent Nicholson.

For the chief commissioner's information.

The boatmen, Riley, Clarke, and Nicholls, having been put upon their guard by the inquiries first made by the police, will not now give the information required, and which could have been obtained from them by Detectives Kennedy and Quinton in ordinary conversation.

[555] *However, an assurance from the government to these men that "they would not be prosecuted for their share in the offense in question" might have the desired effect.

(Signed) C. H. NICHOLSON.

FEBRUARY 22, 1865.

[Inclosure 110 in No. 24.]

Governor Sir C. H. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *Melbourne, February* 23, 1865.

SIR: I think it desirable to place you in possession of the accompanying correspondence with the American consul, relating to an allegation of insulting behavior having been exhibited to him by the Crown solicitor.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 111 in No. 24.]

Mr. Blanchard to Governor Sir C. H. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 18, 1865.

SIR: I have the honor to inclose to your excellency the affidavit of Andrew Forbes, relative to the intended departure from this port of certain persons named therein to join the Sea King, *alias* Shenandoah, in violation of Her Majesty's neutrality proclamation.

Mr. Forbes came to my office at about 5 o'clock p. m. yesterday. Seeing the necessity of immediate action in the matter, I took him at once to the Crown law-officers to lay information before the Crown solicitor, where I had previously been directed in a communication from the office of the attorney general of February 11, 1865, to take a witness.

It is with regret that I have to call your excellency's attention to the fact that, while there in my official capacity, I was most grossly insulted by language and manner, by Mr. Gurner, Crown solicitor, who positively refused to receive the information I was prepared to lay before that department of the Crown. In consequence of which, I conceive the ends of justice have been defeated and the neutrality of this port violated.

It is hardly necessary to acquaint you that I deem it my duty to send to my Government a copy of this dispatch.

I have, &c.,

(Signed) WM. BLANCHARD,
Consul of the United States of America.

[Inclosure 112 in No. 24.]

Declaration of Andrew Forbes.

I, Andrew Forbes, residing in Murphy's Cottages, Sandridge, do declare on oath that at about 4 o'clock this day, while on the railway-pier at Sandridge, I saw Thomas Evans, Robert Dunaring, Charles Bird, William Green, and Little Sam, all inhabitants of Williamstown, most, if not all, of them British subjects, standing on the pier dressed better than usual; that I said to Thomas Evans, "What are you all doing over here;" that, after some further conversation, said Thomas Evans said, "I suppose I need not be frightened to tell you." Said Evans then told me that he was going on board the bark Maria Ross, then lying in the bay ready for sea, with the others in his company, to join the Shenandoah. When the said Shenandoah got outside the Heads, that the boats from the Maria Ross was to come to take them on board at 5 o'clock. He also said that there were many more besides his party going the same way.

(Signed) ANDREW FORBES.

Subscribed and sworn to in duplicate before me this 17th day of February, 1865, as witness my hand and seal of office.

February 17, 1865.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

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[556] *[Inclosure 113 in No. 24.]

Memorandum by Mr. Gurner

CROWN SOLICITOR'S OFFICE, 192 COLLINS STREET EAST,
Melbourne, February 21, 1865.

One day last week (I believe Friday) I had occasion to come back to this office about half past 5 o'clock, and in going away met at the gate Mr. Lord and another person. They were addressing Graham, the messenger, and asked him whether the attorney general was within. Graham stated he was at the house of assembly. Mr. Lord, or Graham, then said, "Here is the Crown solicitor." The person accompanying Mr. Lord said he was the American consul, and wanted to lay an information and get warrants against some persons who were going in a ship to join the Shenandoah outside the Heads. I said I could not take an information; I was not a magistrate; that they should go to a magistrate, which I believe they did, and a warrant was refused.

The American consul does not state the language used. I am, therefore, unable to give more than a general denial, and I positively assert that neither in language nor manner did I insult him.

I was in a hurry to catch the train, and may, perhaps, have left more suddenly than I otherwise should have done.

(Signed) HENRY F. GURNER.

[Inclosure 114 in No. 24.]

Mr. Ward to Mr. Blanchard.

FEBRUARY 21, 1865.

SIR: I am desired by his excellency the governor to acquaint you that he received your letter of the 18th instant in the afternoon of that day, (Saturday,) and that on Monday, the 20th, he caused it to be referred, through the honorable the attorney general, to the Crown solicitor, for any explanation he might wish to offer.

2. After stating that it was only in consequence of his accidentally returning to his office at half past 5 p. m., after it had been closed for the day, that the interview between you and himself occurred at all, Mr. Gurner states that he informed you that, not being a magistrate, he could not take an information, and adds that he was in a hurry to save a railway train, and therefore left more suddenly than he otherwise should have done; but he positively asserts that neither in manner nor language did he insult you.

3. His excellency feels sure that the Crown solicitor's tone and manner have been misapprehended, and confidently assures you that there was no intention on the part of that officer to fail in the respect due to your position as the consul of the United States of America.

I have, &c.,
(Signed) N. L. WARDE,
Private Secretary.

[Inclosure 115 in No. 24.]

Governor Sir C. Darling to Mr. Cardwell.

[Confidential.]

GOVERNMENT HOUSE, *Melbourne, February* 23, 1865.

SIR: I have thought it desirable to put Her Majesty's government in possession of the inclosed confidential report upon the armament, speed, and other qualities of the Confederate States vessel Shenandoah.

It proceeds from an officer of the Victorian volunteer staff, specially attached to the naval brigade, and who was formerly a lieutenant in Her Majesty's navy. I have every reason to think his opinion and statements may be relied upon.

I have, &c.,
(Signed) C. H. DARLING.

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[557] [*Inclosure 116 in No. 24.]

Captain Payne to Colonel Henderson.

[Confidential.]

MELBOURNE, *February* 10, 1865.

Report on condition of Shenandoah.

SIR: With reference to your memorandum, marked confidential, directing me to report upon the armament, speed, and other qualities of the confederate war-steamer Shenandoah, I have the honor to inform you that I have taken every opportunity that presented itself for obtaining the information you desire, and beg now to report—

1st. That the armament (as far as I can see) consists of the following ordnance, viz: Two Whitworth rifle-guns, of 33 hundred-weight each. Four 8-inch smooth-bore guns, 55 hundred-weight each. Two 12-pounder smooth-bore guns, about 15 hundred-weight each.

I have been unable to ascertain what amount of ammunition she has on board for these guns, nor have I been able to determine where her magazines are placed. I do not think they are abaft her engine-room, for her after-hold has been cleared, and there is no appearance of any magazine there. I observe that there were no small-arms, stands for small-arms, cutlasses, or pistols about any part of her decks, and, as far as I could see, there appeared to be a general unreadiness for action about her quarters. Shot-racks were not fitted, nor did I see any place I call the shell-room aloft; everything indicated that she was nothing more than an ordinary merchant-ship.

I have used every exertion (but without success) to ascertain whether she has any larger guns stowed away below. I do not think she has, as her scantling would hardly allow her to carry more than I have already seen. There appears to be a mystery about her fore-hold, for the foreman of the patent slip, when asked to go down to that spot to measure her for the cradle, was informed that he could not get to the skin at that place. The hatches were always kept on, and the foreman states that he was informed they had all their "stuff" there.

As to her speed, I have been informed by competent judges that, taking her boiler-power into consideration, she would not exceed an average of ten knots an hour under steam alone; while under sail she has every appearance of being very fast. There is nothing to protect her machines from shot and shell; in fact, her boilers and the principal parts of her machinery are above the water-line. Her bunkers certainly are between the machinery and the ship's side, but from their small dimensions they would offer but small resistance to shot. The most vulnerable part, viz., the boilers, is left quite unprotected. She can carry a great quantity of coals, but in her bunkers she can only stow about fifty tons. Her daily consumption under full steam averages about twenty-four tons. She is fitted with a smoke-consuming apparatus, which appears to answer well, for I remarked, when she first came up the bay, but little smoke was emitted from her funnel. In her other qualities I think she corresponds with the description given in Lloyd's Register of another vessel which has a similar number and the same tonnage marked on her main beam, viz: No. 4854 and 790 tons. She is built on the composite plan, having iron frames, with wood planking, and appears to have been strongly built, but not more so than is usual for ships classed on the first letter for thirteen years.

The state of the vessel on deck, aloft, and in the engine-room, I think both slovenly and dirty, and does not reflect any credit upon her officers.

There appears to me to be about forty to fifty men on board, slouchy, dirty, and undisciplined. I noticed also a great number of officers, and could not help remarking that the number appeared out of all proportion to the few men I saw on board. Without disparaging the confederate war-steamer Shenandoah, I am altogether of opinion that there is nothing in her build, armament, (with the exception of the Whitworth guns,) and equipment that should call for more special notice than that she is an ordinary merchant-vessel, armed with a few guns.

I have, &c.,
(Signed) CHARLES B. PAYNE.

No. 25.

Mr. Murray to the law-officers of the Crown.

FOREIGN OFFICE, *April* 18, 1865.

GENTLEMEN: I am directed by Earl Russell to transmit to you a letter from the colonial office,[1] inclosing copies of dispatches from Governor Sir C. Darling, together with their several inclosures, relative to the visit to the port of Melbourne of the Confederate States [558] *steamer Shenandoah and the alleged enlistment of British subjects there to serve on board that vessel.

I am to request that you will take these papers into your consideration and favor Lord Russell with any observations you may have to offer thereupon, and more particularly as to whether they seem to require any action on the part of Her Majesty's government.

I have, &c.,
(Signed) JAMES MURRAY.

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[1] No. 24.

No. 26.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *April* 21, 1865. (Received April 22.)

MY LORD: We are honored with your lordship's commands signified in Mr. Murray's letter of the 18th instant, stating that he was directed by your lordship to transmit to us a letter from the colonial office, inclosing copies of dispatches from Governor Sir C. Darling, together with their several inclosures, relative to the visit to the port of Melbourne of the Confederate States steamer Shenandoah and the alleged enlistment of British subjects there to serve on board that vessel, and to request that we would take these papers into our consideration and favor your lordship with any observations we might have to offer thereupon, and more particularly as to whether they seem to require any action on the part of Her Majesty's government.

Opinion of law-officers.

In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—

That it appears to us that, in the circumstances stated, his excellency the governor acted with propriety and discretion, and there does not appear to us, at present, to be a necessity for any action on the part of Her Majesty's government.

With respect to his excellency's request that he may receive instructions as to the propriety of executing any warrant under the foreign-enlistment act on board a confederate (public) ship of war, we are of opinion that, in a case of strong suspicion, he ought to request the permission of the commander of the ship to execute the warrant; and that, if this request be refused, he ought not attempt to enforce the execution; but that, in this case, the commander should be desired to leave the port as speedily as possible, and should be informed that he will not be re-admitted into it.

As to enforce a warrant on board a confederate ship of war.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 27.

Mr. Murray to Mr. Elliot.

FOREIGN OFFICE, *April* 22, 1865.

SIR: I have laid before Earl Russell your letter of the 17th instant, with its inclosures, relative to the proceedings of Governor Sir Charles Darling on the occasion of the visit of the Shenandoah to Melbourne; and I am now directed by his lordship to transmit to you, to be laid before Mr. Secretary Cardwell, a copy of the opinion which, in accordance with Lord Russell's desire, the law-officers of the Crown have given respecting the governor's proceedings.[1]

I am, &c.,
(Signed) JAMES MURRAY.

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[1] No. 26.

[559] * No. 28.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 4, 1865.

Reply to Mr. Adams's representations.

SIR: I have had the honor to receive your note of the 7th of April, forwarding a copy of a letter addressed by the consul of the United States at Rio de Janeiro to his Government upon the proceedings of a vessel called the Sea King, or Shenandoah, which vessel you state has since been heard of at Melbourne, whence details have been received of outrages committed by her on the commerce of the United States. You then proceed to say: "Were there any reasons to believe that the operations carried on in the ports of Her Majesty's kingdom and its dependencies to maintain and extend this systematic depredation upon the commerce of a friendly people had been materially relaxed or prevented," you would not have had to announce to me "the fact that your Government cannot avoid entailing upon the government of Great Britain the responsibility for this damage."

A British steamer, the City of Richmond, is next alluded to as having been allowed to take supplies from the port of London and to place them on board a French-built steam-ram, known as the Stonewall, and you found upon the circumstances to which you have thus alluded a charge against Great Britain of not only not checking improper depredations on United States commerce, but of aiming at the destruction of the whole mercantile navigation belonging to the people of the United States; and while giving credit to Her Majesty's government for endeavoring to check illicit proceedings of British subjects, you allege that the measures adopted in this respect by Her Majesty's government have never proved effective, and that the evil of which you complain has its origin in the fact that Her Majesty's government recognized the persons in arms against the United States as belligerents, and thereby improperly gave them a *status* which has led to a long continuance of hostilities; but as the ports held by them have fallen into the power of the United States, the President looked with confidence to a removal by Her Majesty's government of this ground of complaint.

You conclude by expressing a hope that the ships of war of the United States will be welcomed in British waters in the same friendly manner as has been heretofore customary.

Allow me to observe, in the first place, that I can never admit that the duties of Great Britain toward the United States are to be measured by the losses which the trade and commerce of the United States may have sustained. The question is not what losses the United States have sustained by the war, but whether in difficult and extraordinary circumstances the government of Her Majesty have performed faithfully and honestly the duties which international law and their own municipal law imposed upon them.

Let me remind you that when the civil war in America broke out so suddenly, so violently, and so extensively, that event, in the preparation of which Great Britain had no share, caused nothing but detriment and injury to Her Majesty's subjects. Great Britain had previously carried on a large commerce with the Southern States of the Union, and had procured there the staple which furnished materials for the industry of millions of her people.

Had there been no war the existing treaties with the United States would have secured the continuance of a commerce mutually advantageous and desirable. But what was the first act of the President of the United States? He proclaimed, on the 19th of April, 1861, the blockade of the ports of seven States of the Union. But he could lawfully interrupt the trade of neutrals with the Southern States upon one ground only, namely, that the Southern States were carrying on war against the Government of the United States; in other words, that they were belligerents.

Her Majesty's government, on hearing of these events, had only two courses to pursue, namely, that of acknowledging the blockade and proclaiming the neutrality of Her Majesty, or that of refusing to acknowledging the blockade and insisting upon the rights of Her Majesty's subjects to trade with the ports of the South.

Her Majesty's government pursued the former course as at once the most just and the most friendly to the United States.

It is obvious, indeed, that the course of treating the vessels of the Southern States as piratical vessels and their crews as pirates would have been to renounce the character of neutrals and to take part in the war. Nay, it would have been doing more than the United States themselves, who have never treated the prisoners they have made, either by land or sea, as rebels and pirates, but as prisoners of war, to be detained until regularly exchanged.

So much as to the step which you say your Government can never regard "as otherwise than precipitate," of acknowledging the Southern States as belligerents.

[560] *It was, on the contrary, your own Government which, in assuming the belligerent right of blockade, recognized the Southern States as belligerents. Had they not been belligerents, the armed ships of the United States would have had no right to stop a single British ship upon the high seas.

The next complaint (often repeated, I must admit) is that vessels built in British ports, and afterwards equipped with an armament sent from the British coast, have injured and, according to your account, almost destroyed the mercantile marine of the United States.

Now, the only question that can be put on this subject is whether Great Britain has performed faithfully the duties incumbent upon her. I must here ask you to recollect that our foreign-enlistment act, as well as your foreign-enlistment act, requires proof that the vessel has been or is about to be equipped or armed within our dominions for the purpose of assisting a state or a body of men making war on a state in amity with Her Majesty. In the case of the Alabama, which is always referred to as affording the strongest ground of complaint against Her Majesty's government, the papers affording evidence of a design to equip the ship for the confederate service were furnished to me by you on the 22d, and more completely on the 24th of July, 1862. They were reported upon by the law-officers on the 29th of that month. But on that very morning the Alabama was taken to sea on the false pretense of a trial-ship.

I contend that in that case, as in all others, Her Majesty's government faithfully performed their obligations as neutrals. It must be recollected that the foreign-enlistment act, though passed in the year of 1819, has never been actually put in force, and that it is still doubtful whether the evidence furnished by you on the 22d and 24th of July, though it was deemed a sufficient ground for detaining the Alabama, would have been found sufficient to procure a conviction from a jury, or even a charge in favor of condemnation of the vessel from a judge. Again, I repeat, the whole question resolves itself into this: Whether the British government faithfully and conscientiously performed their duties as neutrals, or whether they, from any motives whatever, were guilty of a grave neglect of those duties.

Upon this point it might be sufficient for me to appeal to the unprejudiced judgment formed and expressed at the time by Mr. Seward, after every material fact had been communicated to him by your dispatches of the 25th and 31st of July, and the 1st of August, 1862.[1] Writing to yourself on the 13th of August, 1862, he expressed the President's approval of the action which you had taken with respect to the Oreto and the Alabama, (then called No. 290;) and added, "You will on proper occasion make known to Earl Russell the satisfaction which the President has derived from the just and friendly proceedings and language of the British government in regard to these subjects."

In maintaining these views of our duties, I have the satisfaction of thinking that Her Majesty's government are supported by some of the highest authorities of the United States. In 1815 a correspondence began between the ministers representing Spain and Portugal and the United States Government respecting the practice of fitting out privateers in the port of the United States, and putting them under a foreign flag, and cruising against Spanish commerce. In January, 1817, Señor Onis, Spanish minister at Washington, says:

> It is notorious that although the speculative system of fitting out privateers and putting them under a foreign flag, once disavowed by all nations, for the purpose of destroying the Spanish commerce, has been more or less pursued in all the ports of the Union, it is more especially to those of New Orleans and Baltimore, where the greatest violations of the respect due to a friendly nation, and, if I may say so, of that due to themselves, have been committed; whole squadrons of pirates having been sent out from thence in violation of the solemn treaty existing between the two nations, and bringing back to them the fruits of their piracy, without being yet checked in these courses, either by the reclamations I have made, those of Her Majesty's consuls, or the decisive and judicious orders issued by the President for that purpose.

It does not appear that any compensation was ever made for any of these seizures.

But the remonstrances of Portugal are still more applicable.

On the 8th of March, 1818, Senhor T. Correa de Serra brought to the knowledge of the United States Government the case of three Portuguese ships which had been captured by privateers fitted out in the United States, manned by American crews, and commanded by American captains, though under insurgent colors, and he demanded satisfaction and indemnification for the injury which had been done to Portuguese subjects, as well as to the insult which had been offered to the [561] Portuguese flag. To this letter the *American Secretary of State, after reciting the complaint of the Portuguese minister, replies as follows: "The Government of the United States having used all the means in its power to prevent the fitting out and arming of vessels in their ports to cruise against any nation with whom they are at peace, and having faithfully carried into execution the laws enacted to preserve inviolate the neutral and pacific obligations of this Union, cannot consider itself bound to indemnify individual foreigners for losses by capture over which the United States have neither control or jurisdiction. For such events no nation can in principle, nor does in practice, hold itself responsible." The Secretary of State who signed this dispatch bore a name most honorably known in the annals of the United States—the name of Adams.

The remaining events to be noticed in the history of the answer given by the United States to the complaints of Portugal during the wars of

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[1] Papers presented to Congress December, 1862, Nos. 126, 199, 201, and 323.

South America, and by Great Britain to the United States in the present war, may be recorded without any fear of comparison on the part of the government of Her Majesty.

On the 20th April, 1818, the amended act known as the "American foreign-enlistment act" was passed.

On the 24th of November of that year, the Portuguese minister, being asked by Mr. Adams to "furnish a list of the names of the persons chargeable with a violation of the laws of the United States, in fitting out and arming a vessel within the United States for the purpose of cruising against the subjects of his sovereign, and of the witnesses by whose testimony the charge could be substantiated," replied to the following effect:

He had found, with sorrow, multiplied proofs that many of the armed ships which had committed depredations on the property of Portuguese subjects were owned by citizens of the United States, had been fitted in ports of the Union, and had entered, in several ports of the Union, captured ships and cargoes by unlawful means. Many of these citizens of the United States had the misfortune of believing that they did a meritorious action in supporting foreign insurrections, and offered great difficulties in the way of every prosecution instituted by a foreign minister. Prosecutions were ordered by the Government of the United States, but did not appear to have had much effect in checking the depredations complained of.

In March, 1819, the Portuguese minister alleges that, in contrast to the Spanish insurgents who had ports and a long line of coast at their disposal, Artigas, the chief whose flag was borne by United States privateers, was wandering with his followers in the mountains of Corrientes. The "Artigan flag," he continues, "which has not a foot-length of sea-shore in South America where it can show itself, is frequently waving in the port of Baltimore. Artigan cockades were frequently met with in that city, in the hats of American citizens unworthy of that name."

In another note, dated the 23d of November, 1819, the Portuguese minister says: "I do justice to and am grateful for the proceedings of the Executive in order to put a stop to these depredations, but the evil is rather increasing. I can present to you, if required, a list of fifty Portuguese ships, almost all richly laden, some of them East Indiamen, which have been taken by these people during the period of full peace. This is not the whole loss we have sustained, this list comprehending only those captures of which I have received official complaints. The victims have been many more, besides violations of territory by landing and plundering ashore with shocking circumstances.

"One city alone on this coast," he says, "has armed twenty-six ships, which prey on our vitals, and a week ago three armed ships of this nature were in that port, waiting for a favorable occasion of sailing for a cruise."

In July, 1820, the Portuguese minister proposed that the United States should appoint commissioners to confer and agree with commissioners of the Queen of Portugal in what reason and justice might demand.

But Mr. Adams again says that, for wrongs committed in the United States territory, Portuguese subjects have a remedy in the courts of justice, but "for any acts of the citizens of the United States, committed out of their jurisdiction and beyond their control, the Government of the United States is not responsible."

To this most just principle, which was again referred to by Mr. Secretary Clayton, and maintained against the government of Portugal to this hour, the United States must be held still to adhere. No matter how many rich Portuguese ships were taken; no matter even what flag was borne by the vessels which took them, for these acts of the citizens of the United States, acting as the captains, officers, and crews of those cruisers, the United States Government declared itself not responsible. Nor was that Government induced to depart from that ground by the urgent representations of the Portuguese minister in his letter to Mr. Webster, of the 7th of November, 1850, that "by due diligence [562] on the *part of the Government and officers of the United States the evil might have been prevented," and that "the fitting out of these vessels was not checked by all the means in the power of the Government, but that there was a neglect of the necessary means of suppressing these expeditions. With regard to Spain the case was somewhat different, as the United States had many outstanding claims against the government of Spain; and, on the other hand, the claims of Spain were rested upon the interpretation placed by her on her treaty with the United States. The claims of the United States were used as a set-off against the claims of Spain, on account of the depredations committed by the United States cruisers commanded by United States captains, and in respect of other matters; and both orders of claims were renounced and abandoned by a treaty between Spain and the United States, concluded on the 22d of February, 1819.

Before I refer to the conduct of Great Britain during the present civil war, I must for a moment allude to an address of President Monroe, in regard to the South American insurrections: "The revolutionary movement in the Spanish provinces in this hemisphere attracted the attention and excited the sympathy of our fellow-citizens from the commencement." Such is the statement of President Monroe in his special message of the 8th of March, 1822. It must be acknowledged that in this country the gallantry of the people of the Southern States, in their endeavors to give those States an independent position in the world, excited a large amount of sympathy. It must be acknowledged, also, that the desire of large profits from the sale of cargoes induced many of the Queen's subjects to engage in blockade-running. But, on the other hand, it must be said that no British subject appears to have commanded a confederate cruiser, while United States citizens seem frequently to have acted as captains of the privateers which, under the flag of Buenos Ayres, or some other South American state, committed depredations on Spanish and Portuguese commerce. Nor was the vigilance of Her Majesty's government at fault when, as in the case of the steam-rams built at Birkenhead for a confederate agent, they were fully convinced that vessels of war were being constructed for purposes hostile to the United States. Indeed, so decided and so effective was the action of the government in detaining the vessels called the El Tousson and El Mounassir, that it appears by the published parliamentary reports that a member of Parliament charged the government with having done, and with having done on their own confession, what was illegal and unconstitutional, without law, without justification, and without excuse. Unfounded as that charge was, coming, as it appears, from high authority, it is obvious that nothing but the intimate conviction that those vessels were intended for confederate vessels of war, that unless detained they would attempt to break the blockade of the United States squadrons, and that such an act might have produced the gravest complications, could have sustained the government under the weight of charges thus urged.

Let us compare this case, in which Her Majesty's government detained and seized the ships, with that of the Shenandoah, to which you refer, in which they did not interfere.

The Shenandoah was formerly the Sea King, a merchant or passage steamship belonging to a mercantile company. She was sold to a merchant, and soon afterward cleared for China as a merchant-ship. Not a tittle of evidence was ever brought before Her Majesty's government by you or any one else to show that she was intended for the service of the confederates. Had it been alleged even that her decks were stronger than usual, apparently for the purpose of carrying guns, it might have been plausibly answered that the China Seas abounded with pirates, and that guns were necessary in order to drive them off.

But it is said that guns and men were sent to meet a confederate vessel at sea. So far as guns are concerned, this is not an offense against our laws; nor am I aware of any authority of international law according to which the British government could be bound to prevent it. So far as men are concerned, they could not be interfered with without evidence of an intention or engagement to serve as confederate seamen, and no such evidence was ever offered to Her Majesty's government. What if these guns and men were sent in a vessel which cleared for Bombay? Would it have been right for Her Majesty's government, without evidence, to seize such a vessel? Would not proceedings thus unauthorized by law, or by any legal grounds of suspicion, have been loudly and universally condemned? It is true that arms were sent out to the Olinde, a French vessel, and that the Sea King, having changed its character at sea, appeared afterward as a confederate ship of war. But, in the words of Mr. Adams in 1818, "For such events no nation can in principle, nor does in practice, hold itself responsible." With regard to the export of arms sent by individuals in this country to vessels on the high seas, it must not be forgotten that the Government and courts of the United States have always upheld [563] *the legality of this traffic. On the subject of certain memorials of British subjects sent to the Secretary of State of the United States during the revolutionary war, Mr. Jefferson says: "We have answered that our citizens have always been free to make, send, or export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries with which we have no concern, would hardly be expected. It would be hard in principle, and impossible in practice.

This, be it recollected, was not the opinion of Mr. Jefferson alone; he wrote by the direction of General, then President, Washington.

With respect to the alleged destruction of the mercantile navigation of the United States, it must be noted that it has been common to transfer American merchant-ships, without change of cargo or crew, nominally to British owners in order to avoid the higher rates of insurance payable during war. With peace the mercantile marine of the United States will, I have no doubt, be at least as numerous as before.

I am happy to see that you declare yourself by no means insensible to the efforts which Her Majesty's government have made, and are still making, to put a stop to such outrages on this kingdom and its dependencies, and that you cannot permit yourself to doubt the favorable disposition of the Queen's ministers to maintain amicable relations with the Government of the United States; nay, further, you state that the avoidance of the gravest of complications "has been owing in the main to a full conviction that Her Majesty's government has never been animated by any aggressive disposition toward the United States, but, on the contrary, that it has steadily endeavored to discountenance, and in a measure to check, the injurious and malevolent operations of many of her subjects." The question then really comes to this: Is Her Majesty's government to assume or be liable to a responsibility for conduct which Her Majesty's government did all in their power to prevent and to punish? A responsibility which Mr. Adams on the part of the United States Government in the case of Portugal positively, firmly, and justly declined.

Have you considered to what this responsibility would amount?

Great Britain would become thereby answerable for every ship that may have left a British port and have been found afterward used by the confederates as a ship of war; nay, more, for every cannon and every musket used by the confederates on board any ship of war if manufactured in a British workshop.

I now come to that part of your letter which relates to the future.

The late successes of the United States armies give us every reason to hope for a speedy termination of the war. In such case the restrictions which have been imposed upon the vessels of the United States as belligerents will of course cease. In such case also it is to be presumed the cruisers and privateers of the confederates will be at once sold and converted into merchant-vessels. But the present state of affairs does not allow me to speak with certainty upon this point.

The questions remain, however, first, whether the United States vessels of war will be now allowed to come into the harbors of Her Majesty's dominions without other restrictions than those used in times of peace; and another question closely connected with it, namely, whether the confederates are still to be treated as belligerents.

My answers are the following:

In regard to the first question, Her Majesty's government are quite willing that vessels of war of the United States shall be treated in the ports of Her Majesty in the same manner as Her Majesty's vessels of war are treated in the ports of the United States, with this single exception, that if an enemy's vessel of war should come into the same port, the vessel which shall first leave the port shall not be pursued by its enemy till twenty-four hours shall have elapsed.

Before answering the second question, I wish to know whether the United States are prepared to put an end to the belligerent rights of search and capture of British vessels on the high seas? Upon the answer to this question depends the course which Her Majesty's government will pursue.

All that I can do further is to assure you that Her Majesty's government, who have lamented so sincerely the continuance of this painful and destructive contest, will hail with the utmost pleasure its termination, and will view with joy the restoration of peace and prosperity in a country whose well-being and happiness must always be a source of satisfaction to the sovereign and people of these realms.

I am, &c.,
(Signed) RUSSELL.

[564] *No. 29.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *May* 22, 1865. (Received May 22.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter dated the 7th March last, from Commodore Sir W. Wiseman, and of its inclosure from the governor of Victoria, respecting the confederate vessel of war Shenandoah.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 29.]

Commodore Sir W. Wiseman to the secretary to the admiralty.

CURAÇOA, *Auckland, New Zealand, March* 7, 1865.

SIR: I have the honor to transmit herewith, for the information of the lords commissioners of the admiralty, a copy of a letter I have received from the Commissioner Henry B. King, naval agent, attached to the peninsular and oriental steamer Bombay, informing me of the arrival in Hobson's Bay of the Confederate States man-of-war steamer Shenandoah; likewise a copy of one received from his excellency Sir Charles Darling, the governor of Victoria, on the same subject.

2. The New Zealander, local paper, of the 6th instant, publishes, under the head of Australian telegrams, that the Shenandoah had been seized by the Victorian government for a breach of the foreign-enlistment act, but as this appears to have occurred some time before the Australian mail of February left for England, their lordships, I have no doubt, will have been made acquainted with the whole subject long before receiving this. I therefore refrain from entering into particulars, as I have received no official intimation from any one on the matter.

I have, &c.,
(Signed) W. S. WISEMAN.

[Inclosure 2 in No. 29.]

Governor Sir C. Darling to Commodore Sir W. Wiseman.

GOVERNMENT OFFICES, *Melbourne, February* 6, 1865.

SIR: I do myself the honor to acquaint you that a screw-steamer, described by the officer in charge as an armed vessel in the service of the so-styled Confederate States of North America, and called the Shenandoah, anchored in Hobson's Bay on the 25th ultimo, and claimed the privileges accorded to a belligerent by Her Majesty's proclamations and instructions.

2. Leave to effect necessary repairs and to take supplies of coals and provisions, under the conditions prescribed by Her Majesty, has been granted by me to the commander, Lieutenant Waddell, and it is believed that the Shenandoah will leave this anchorage about the 10th instant. It is reported that her cruising-ground will be off the shores of New Zealand, with the object of intercepting United States whalers.

3. The Shenandoah carries eight guns, said to be rifled Whitworths, and her crew of officers and men is stated to be ninety-eight. She is said to be identical with the British-built ship Sea King, not long since employed in these seas in Her Majesty's transport service.

I have, &c.,
(Signed) C. H. DARLING.

[565] *No. 30.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *May* 31, 1865. (Received June 1.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, copies of three dispatches from the governor of Victoria; the first inclosing copies of letters addressed by Sir C. Darling to the governors of the other Australian colonies, and to Commodore Sir W. Wiseman, respecting the violation of neutrality by the captain of the Shenandoah; the second and third transmitting correspondence with the American consul, and reporting the proceedings before the magistrates in the case of certain British subjects charged with breaches of the foreign-enlistment act.

I have, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 30.]

Governor Sir C. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *Melbourne, March* 16, 1865.

SIR: With reference to previous dispatches on the subject of the ship Shenandoah, I have the honor to inclose, for your information, copies of two letters, one of which I addressed to the governors of the other Australian colonies, and the other to Commodore Sir William Wiseman, commanding on the station.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 2 in No. 30.]

Governor Sir C. Darling to governors of Australian colonies and New Zealand.

GOVERNMENT HOUSE, *Melbourne, February* 27, 1865.

Letters from Governor Sir C. Darling to commodore and governors of Australian colonies, respecting recruiting at Melbourne.

SIR: I consider it my duty to place your excellency in possession of the accompanying correspondence and other documents connected with the proceedings of the commander of the Confederate States vessel Shenandoah, while laying in Hobson's Bay, for the purpose of having necessary repairs effected and taking in supplies, under permission granted by me in accordance with the conditions prescribed by Her Majesty's proclamation and instructions for the observance of neutrality.

2. I have also the honor to forward copies of letters from the chief commissioner of police in Victoria, accompanied by reports and statements which leave no doubt that the neutrality has been flagrantly violated by the commander of the Shenandoah, who, after having assured me of his intention to respect it, and pleaded the privilege of a belligerent ship of war to prevent the execution of warrants under the foreign-enlistment act, nevertheless received on board his vessel, before he left the port on the 18th instant, a considerable number of men destined to augment the ship's company.

3. I have thought it right to communicate to your excellency this information, in the event of Lieutenant Waddell or any of his officers hereafter claiming the privileges of a belligerent in any port of the colony under your government.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 3 in No. 30.]

Governor Sir C. Darling to Commodore Sir W. Wiseman.

GOVERNMENT HOUSE, *Melbourne, February* 27, 1865.

SIR: I consider it my duty to place you in possession of the accompanying correspondence and other documents connected with the proceedings of the commander of the Confederate States vessel Shenandoah, while lying in Hobson's Bay for the purpose of having necessary repairs effected and taking in supplies under permission granted by me in accordance with the conditions prescribed by Her Majesty's proclamation and instructions for the observance of neutrality.

[566] *2. I have also the honor to forward copies of letters from the chief commissioner of police in Victoria, accompanied by reports and statements which leave no doubt that the neutrality has been flagrantly violated by the commander of the Shenandoah, who, after having assured me of his intention to respect it, and pleaded the privilege of a belligerent ship of war to prevent the execution of warrants under the foreign-enlistment act, nevertheless received on board his vessel before he left the port on the 18th instant a considerable number of men destined to augment his ship's company.

3. I beg further to acquaint you that the bark Maria Ross left Hobson's Bay on the 18th instant, with a considerable number of men on board, having cleared for Camden Harbor, on the northwest coast of Australia. It is confidently believed that these men are intended to augment the crew of the Shenandoah.

4. Under any circumstances I should have thought it right to communicate to you information of this nature, but I consider it more particularly incumbent upon me in the present case, having regard to the tenor of the concluding paragraph of the secretary of state's circular dispatch of the 16th January, 1862, although that dispatch relates in express terms only to the observance of a particular rule of neutrality.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 4 in No. 30.]

Governor Sir C. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *Melbourne, March* 23, 1865.

SIR: With reference to my dispatch of the 23d February, I have the honor to transmit herewith the copy of a further correspondence with the American consul, and to state that the attorney general did not consider it necessary to require the consul's attendance at the trial therein referred to.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 5 in No. 30.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, March 14, 1865.

SIR: I have the honor to inform your excellency that I have received the following communication from the Crown solicitor's office:

"CROWN SOLICITOR'S OFFICE,
"*Melbourne, March* 10, 1865.

"SIR: I do myself the honor to inform you that, at the trial of the case in the margin,[1] at the criminal sittings, Melbourne, 15th instant, it will be necessary to prove that the Confederate States of America are exercising the functions of an independent government, making their own laws, &c.; will you therefore be good enough to forward to me the name of a gentleman who can prove the same?

"I have, &c.,
(Signed) "J. L'ESTRANGE,
"*For Crown Solicitor.*"

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[1] Queen *vs.* Mackenzie and others; enlisting on board the Shenandoah.

I know of no person who can prove what is deemed necessary by the Crown solicitor. I avail myself of this opportunity to say that Her Majesty's government doubtless had sufficient evidence before them, else the Shenandoah would not have been granted belligerent rights.

I have, &c.,

(Signed) W. BLANCHARD,
United States Consul.

Transferred for the information of the honorable the attorney general.

(Signed) C. H. D.
MARCH 17, 1865.

Transferred accordingly.

(Signed) H. L. WARDE, *P. S.*
MARCH 17, 1865.

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[567] [*Inclosure 6 in No. 30.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA.
Melbourne, March 16, 1865.

SIR: I have the honor to acquaint your excellency that, in addition to the very impertinent letter to me from the Crown solicitor's office, which I had the honor to forward a copy of to you on the 14th instant, calling upon me, as consul of the United States of America, to name a gentleman to prove that the so-styled Confederate States of America are "exercising the functions of an independent government, making their own laws," &c., I have received a summons from the said officer, signed by Mr. H. F. Gurner, Crown solicitor, commanding me to attend court, to give evidence on the part of the Queen, touching a certain information to be preferred against sundry persons enlisting into a foreign service.

It is for your excellency, and Her Majesty's government, who have decided that the rebels in arms against the legal authority of the United States Government are belligerents, now to prove that the parties to whom those rights have been granted (against the protests of my Government) are "exercising the functions of an independent government, making their own laws," &c. The Government of the United States never attempted to prove the object alluded to.

I cannot consider the letter and summons above referred to, especially when taken in connection with the Crown solicitor's previous behavior to me personally, in any other light than as a studied insult to my Government, as well as to me in my official capacity; and I have no doubt my Government will view it in the same light.

In view of the above circumstances, and in obedience to my instructions, as contained in consular regulations, I respectfully decline attending court to give such testimony.

(Signed) W. BLANCHARD,
Consul of the United States of America.

Transfer to the honorable the attorney general, who is requested also to peruse the letter addressed by the governor's directions to the American consul, (herewith,) and to forward the same when read.

(Signed) C. H. D.
MARCH 17, 1865.

Transferred accordingly.

(Signed) H. L. WARDE, *P. S.*
MARCH 17, 1865.

[Inclosure 7 in No. 30.]

Mr. Warde to Mr. Blanchard.

GOVERNMENT OFFICES, *Melbourne, March* 17, 1865.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letters of the 14th and 16th instant, and to acquaint you that, relating as they do to the administration of justice in this colony, they have been placed in the hands of the honorable the attorney general, who is the minister charged with the conduct of the duties and official correspondence of that department of the government, and through whom any communication which your letters may appear to require in connection with those duties will be addressed to you.

2. I am also directed to request your reference to the letter addressed to you upon the 21st ultimo, and to express his excellency's confidence that, in the course which the Crown solicitor is now pursuing with the object of bringing to justice British subjects who have been committed to take their trial for offenses against the foreign-enlistment act, there is not the slightest intention of insulting the Government of the United States or its consul in this colony.

I have, &c.,
(Signed) H. L. WARDE,
Private Secretary.

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[568] [*Inclosure 8 in No. 30.]

Mr. Blanchard to Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, March 20, 1865.

SIR: I have the honor to acknowledge the receipt, this morning, of a letter from H. L. Warde, your excellency's private secretary, dated 17th instant, in answer to my two dispatches to you of the 14th and 16th instant.

In reply, I beg to inform your excellency that the letter, with others on the same subject, will be forwarded to my government.

I have, &c.,
(Signed) W. BLANCHARD,
Consul of the United States of America.

[Inclosure 9 in No. 30.]

Governor Sir C. Darling to Mr. Cardwell.

GOVERNMENT HOUSE, *Melbourne, March* 23, 1865.

Reports of prosecutions for enlistment.

SIR: With reference to my dispatch of 23d February, reporting the proceedings before the magistrates in the case of certain British subjects charged with breaches of the foreign-enlistment act, I have now the honor to transmit a copy of a communication from the attorney general, forwarding a report of the trial of the offenders before the supreme court.

2. It will be seen that two of the accused were sentenced to ten days' imprisonment, and that the third, a lad of about fifteen years of age, was discharged upon the application of the attorney general.

3. All the prisoners had previously undergone more than a month's imprisonment.

I have, &c.,
(Signed) C. H. DARLING.

[Inclosure 10 in No. 30.]

The attorney general for Melbourne to Governor Sir C. Darlinq.

In accordance with his excellency's desire, the attorney general has the honor to submit to his excellency an account of the proceedings in the recent trial for breaches of the foreign-enlistment act.

CROWN LAW OFFICES, *March* 22, 1865.

[Inclosure 11 in No. 30.]

Criminal sessions of the supreme court of the colony of Victoria.

MARCH 17, 1865.

(Before Mr. Justice Molesworth and a common jury of twelve persons.)

James Davidson, otherwise called Charley, was informed against upon an information under the foreign-enlistment act, 59 Geo. III, cap. 69, section 2, containing twenty-four counts.

The first, fourth, seventh, tenth, thirteenth, and sixteenth counts, after averring that Davidson was a British subject, charged that he, without leave, &c., did agree to enlist as a sailor, &c.

The second, fifth, eighth, eleventh, fourteenth, and seventeenth counts, charging him with agreeing to be engaged, &c.

The third, sixth, ninth, twelfth, fifteenth, and eighteenth counts, charging him with agreeing to serve, &c.

The first, third, seventh, ninth, thirteenth, and fifteenth counts, in a ship of war, &c

The fourth, sixth, tenth, twelfth, sixteenth, and eighteenth counts, in a ship equipped for war, &c.

The first six counts, in aid of foreign states styling themselves the Confederate States of America.

[569] *The seventh to the twelfth counts in aid of divers persons assuming to exercise powers of government in a certain foreign state, that is, the Confederate States of America.

The thirteenth to the eighteenth counts, in aid of persons assuming to exercise the powers of government in and over part of a certain foreign people, that is, part of the people of the United States of America.

The nineteenth and twenty-fourth counts, attempts to commit same.

The prisoner pleaded not guilty.

The following extracts from the Age, newspaper, are a fair statement of the evidence &c., adduced at the trial:

MELBOURNE CRIMINAL SESSIONS.

FRIDAY, *March* 17.

(Before His Honor Mr. Justice Molesworth.)

THE SHENANDOAH PROSECUTIONS.—James Davidson, *alias* Charley, was placed on the floor of the court, and pleaded not guilty to an information charging him with a breach of the foreign-enlistment act. There were twenty-four counts in the indictment, charging the defendant in various forms with having enlisted in the service of the Confederate States of America on board the confederate ship of war Shenandoah, without having obtained the permission of Her Majesty.

The attorney general, with Mr. Travers Adamson and Mr. M. A. McDonnell, appeared for the prosecution, and Mr. Aspinwall, with Mr. Wrixon, for the defense.

The attorney general said the Crown would permit the defendant to challenge any juryman he had an objection to, though he had no right of challenge.

The defendant availed himself of this permission to challenge one juror.

The attorney general, in stating the case to the court, said the defendant was charged with an offense against the second section of the act 59, Geo. III, cap. 59, commonly called the foreign-enlistment act. There were a number of counts in the information, all pointing substantially to the same offense, and he thought the jury would have little difficulty, notwithstanding the number of counts, in forming a judgment as to the character of the act committed by the defendant. The several counts charged the defendant with three distinct acts. He was informed against: first, for that he did unlawfully agree to enlist and enter himself for service as a sailor for and on board a certain ship of war called the Shenandoah, in the service of and for and in aid of certain foreign states styling themselves the Confederate States of America. He was next informed against for having, being a natural-born subject of the Queen, without having obtained Her Majesty's license for such agreement, enlistment, or service, agreed to enlist on board this vessel. He was also charged with actual service on what was variously described as a ship of war of and in aid of the Confederate States of America, a vessel equipped and intended to be used for divers warlike purposes, belonging to divers persons assuming to exercise the powers of government in a certain foreign country, to wit, the Confederate States of America; and the concluding counts charged him with an attempt to commit those offenses. The foreign-enlistment act was passed by the English Parliament in the year 1819, and the second section provided that any persons being convicted of any one of the offenses now charged against the prisoner should be deemed guilty of a misdemeanor, and be punishable by fine or imprisonment. The words of this second section were: "Any natural-born subject of His Majesty, who shall take or accept, or agree to take or accept, any military commission, or who shall otherwise enter into the military service as a commissioned or non-commissioned officer, or shall enlist or enter himself to enlist, or shall agree to enlist or enter himself as a soldier, or be employed, or shall serve in any warlike or military operation in the service of, or for, or under, or in aid of any foreign prince, state, potentate, &c.; or shall enlist or enter himself, or agree to enlist or enter himself, to serve as a sailor or marine, or be employed or engaged, or shall serve with or on board any ship or vessel of war, fitted out, equipped, or intended to be used for warlike purposes, shall

be subject to the penalties provided." The object of this act, it would be observed, was to enable Her Majesty to enforce neutrality when thought proper during the time foreign nations were at war, and it was hardly necessary for him to insist upon the necessity of each of Her Majesty's subjects lending their aid in order to have the proclamation of neutrality strictly observed, especially when it was considered that the act of a single subject of Her Majesty might lead to unlooked-for war; and it must at the same time be borne in mind that foreign countries looked with jealous anx-
[570] iety to see what position the Crown of England would assume *during the wars of foreign nations. With reference to the war now being carried on between the Confederate States and Federal States of America, Her Majesty issued a proclamation of neutrality on the 13th May, 1861, and that proclamation was published in the Government Gazette of this colony on the 17th July, 1861. On the 4th February of the present year, there was again published in the Government Gazette of this colony, by order of his excellency the governor, a notification that the neutrality laws would be strictly enforced. No matter what the personal feeling of the jury might be, they had simply to consider whether the offense charged had been committed; and they must see that, with the view of carrying out the wise intentions of this law, no one should be permitted to do an act in frustration of it, by which this country might possibly be brought into the war now going on. On the 25th January last, the confederate war steamer Shenandoah arrived in Hobson's Bay, under the confederate flag, and having on board a number of persons taken from captured Federal vessels. The defendant was soon afterward seen on board, in the confederate uniform, and it would be proved that he remained there a fortnight under circumstances which justified the Crown in believing that it was his intention to join the ship. Upon a first view of the facts, it might appear somewhat harsh to enforce the law in such a case, and he had no hesitation in saying that, taken apart from the breach of the law, the offense was a harmless one, and the only object of the Crown in bringing this prosecution was to assert and vindicate the law. The Crown had no wish to act in a vindictive spirit, and the law being once asserted and vindicated, the Crown would be satisfied with as mild a sentence as the court thought fit to inflict.

The London Government Gazette of 14th May, 1861, containing proclamation of 13th May, 1861; the Victoria Government Gazette of 17th July, 1861. A supplement to the latter Gazette of the 4th February, 1865, having been put in, the following evidence was called:

Constable Wardle, watch-house keeper at Williamstown, proved having received the defendant in charge about 10 o'clock on the night of the 14th February. The description taken down was: aged twenty-one, seaman, native of Scotland, Protestant, and able to read and write.

John Williams, a man of color, stated that he was a native of the United States of America. On the 7th of November, at sea, he was taken from the bark De Godfrey. He entered on board the Shenandoah as cook. Saw the southern confederacy colors on board. Defendant came on board two days after the vessel arrived in Hobson's Bay. He said his name was Charley; that he came out to Victoria in the Great Britain, and that he had come on board to join the Shenandoah. Mr. Bullock, the sailing-master, told defendant to keep out of sight while visitors were on board. When strangers came to the ship defendant was locked up in the forecastle, and was fed through an aperture. He wore the confederate uniform, like the other men on board. The master-at-arms always used to lock the forecastle door when defendant was put inside. Witness left the ship on the 5th February. Defendant was then employed as assistant ward-room cook. Witness heard the defendant once speaking with the first lieutenant, Mr. Whittle, about enlisting. The first lieutenant told him he could not enlist him while the ship was in port, but that he would when they got out to sea. At the time the defendant had on the southern confederacy uniform.

To Mr. Aspinall: Do not know either Mr. Lord or Mr. Francis. I joined the ship on compulsion, and on coming to this port claimed the United States protection.

Mr. Aspinall was about to ask the witness whether he was aware that Captain Waddell had said his testimony was entirely false, and whether he was aware that the officers of the ship had contradicted his statement, but his honor ruled that answers to these questions could not be received in evidence.

Cross-examination continued: I don't know the name of the gentleman who took me down to the Williamstown police court. Defendant did not merely say he should like to sail in the Shenandoah; he said he came to join the ship. He cooked in the confederate uniform. Defendant did not wear an old cast-off pair of uniform trowsers, but a new pair. He had not a uniform coat; only cap and trowsers. The vessel, at this time, was not prepared to go to sea. I am at present supported by the United States consul, who pays my board. Paymaster Smith serves out clothes on the Shenandoah, but defendant did not get his clothes from Smith. It was not the United States consul who drove me down to Williamstown. Have not been at the treasury buildings or at the law-offices.

Walter James Madden, seaman, deposed that he was a native of Boston, and was taken

by the Shenandoah from the bark De Godfrey on the 7th November last. The Shenandoah came down under English colors, and, after making the capture, the confederate colors were hoisted. The valuables having been removed to the
[571] *Shenandoah, the De Godfrey was burned. The sailors of the Federal bark were made to serve as seamen on the confederate vessel. Witness was rated as captain of the hold. While witness was on board the Shenandoah other captures were made, and the confederate flag was hoisted on these occasions, when the enemy's ships had been secured. First saw the defendant four or five days after the Shenandoah arrived in Hobson's Bay. He was in plain clothes at this time, but a day or two afterward witness saw him cooking in the confederate uniform. One evening defendant told witness he should like to join the ship, and he wished she were at sea. Defendant was put in the forecastle while visitors were on board. The master-at-arms locked the door on these occasions, and food was put through the hole where the cable-chain goes. Defendant went by the name of Charley. He usually slept on the berth-deck. The calkers at work on board usually knocked off and went ashore between 5 and 6 o'clock in the evening. Defendant always slept on board. I saw defendant once speaking to the master-at-arms. Defendant was on board when witness left the ship on the 6th February.

To Mr. Aspinall: I deserted the ship, though I signed articles. I am supported by the American consul, and am promised 7*s.* a day as a witness. The consul pays for my board and lodging. I got £7 a month on board the Shenandoah. Could not get my lodgings and 7*s.* a day on board a merchant-ship. The consul told me I should have to pay for my lodgings out of the 7*s.* a day.

Mr. Aspinall. When you get it; but it depends upon the appropriation act being passed whether you get it at all. [Laughter.]

Cross-examination continued: I have been paid 3*s.* by the boarding-house keeper I stay with since leaving the Shenandoah. That is all the money I have received with the exception of some I earned for carting sand. Visitors were not on board the ship every day, and defendant was not locked up when strangers were not on board. He cooked in the galley on these occasions, but he was always locked up in the forecastle when visitors were on board. The uniform-trousers of defendant were not new, nor yet very old. Eight or ten others were locked up with defendant in the forecastle. I know Mr. Lord. That gentleman took me up to the Crown solicitor, but I do not know for what purpose. Not a word was said on the way. My uniform-clothes were served out to me by the paymaster, and any man who enlisted would get his clothes from that officer.

To Mr. Adamson: Are you aware that it is the government regulation to pay witnesses 7*s.* a day?

Charles Behucke, a German, stated that on the 13th October he was taken by the officers of the Shenandoah from the Federal bark Alina. The bark was scuttled, and the crew joined the Shenandoah. The latter vessel carried English or Federal colors when there was a ship in sight, and at other times the confederate colors. Eight or nine days after arriving in Hobson's Bay, saw the defendant on board the Shenandoah, cooking in the galley. He was called Charley, and was locked in the forecastle when visitors were on board. He usually slept on the berth-deck.

To Mr. Wrixon: Defendant usually wore the confederate uniform gray shirt and confederate trowsers, the same as I now have on. There is no stripe nor anything remarkable about the trowsers; they are simply made of gray cloth. The shirt was distinguished by the broad man-of-war collar. The uniform-trousers defendant wore were in good preservation. I have left the Shenandoah. Charley was never on deck when visitors were on board. There were two port-doors, and two other doors to the forecastle. The port-doors open from outside. There was another cook on board besides Charley. The American consul pays my board—£1 a week. Have been told I shall get 7*s.* a day for the time I have been kept waiting to give evidence.

To the attorney-general: Defendant, when on board, wore the uniform-cap, besides shirt and trowsers. When he first came on board we wore whiskers, but he afterward removed them.

Hermann Wicker, a companion of the last witness on board the Alina and Shenandoah, corroborated his evidence.

To Mr. Aspinall: About 23 men deserted the Shenandoah in Hobson's Bay. I signed articles because I was frightened, and left the ship because I had been taken out of a prize. Never heard an officer speak to Charley while he was on board. Had no money when I left the ship. Have since received only 1*s.* from a boarding-house keeper. The ship was on the slip when I left her.

To Mr. Adamson: When asked to sign the ship's articles I could not speak English, and assented without understanding what was said.

Alex. Minto, an officer of water-police said: On the night of the 14th February, between 9 and 10 o'clock, he was in charge of a police-boat close under the Shenandoah, which was at that time on the patent slip at Williamstown. Saw a boat
[572] astern of the ship haul up to the gangway, and George Nicholls, a waterman, then went on board. A gentleman, in confederate uniform, came to the gang-

way and stood over the boat. In a few seconds four men came down to the boat from the Shenandoah, the defendant being one of them. Hauled the police-boat close to theirs, and, speaking to the men, asked what they were doing on board. Believe the defendant answered, "We are working day-work." The boats were close together at the time. Heard a call of "George" from the officer on the gangway, and directly afterward the waterman Nicholls slid down from the ship into the boat. The men in the shore-boat then pulled away as hard as they could. Followed them in the police-boat, and found them at the railway-station. Defendant was among the men there. Remarking to defendant that he was in a hurry to get away from the ship, he hesitated, and said, "O, the Shenandoah, you mean." In the course of remarks afterward made, defendant said he had sold all he had to go on board the ship, and he should be very sorry if he could not go in her. Some of the men also said they were sorry they had not managed better by going on board later, or making some better arrangement to carry out their purpose. One of the men said he had gone on board to see a young man who shipped on board the Shenandoah from the steamer Laurel.

Thos. H. Lyttleton, superintendent of police, deposed that, on the 14th February last, he went down to the Shenandoah, then lying on the slip at Williamstown. He went to execute the warrant produced.

His honor held that the witness could not be examined as to the nature of this warrant.

Examination continued: Saw the Confederate States flag flying from the ship's stern. On the same evening defendent was brought before witness by Minto. Said to him, "You are the very Charley I have been looking for." Defendant said it was a great joke on board, (witness having gone for Charley,) and that there was no person of that name on board the vessel. Had been on board on the 13th as well as on the 14th. Defendant stated that he had been on board some time, and that the officers had compelled him to leave the vessel. The uniform of the men was as described today by the other witnesses.

To Mr. Aspinall: The uniform resembles that worn in Pentridge. I was not intrusted with the capture of the vessel on the slip. It was the slip I took, not the ship. I had with me fifty men to capture Charley.

This closed the case for the Crown.

Mr. Aspinall submitted that there was no proof whatever that the Shenandoah belonged to a belligerent power. The evidence went to show that at one time she carried one flag and at another time another flag. There was no proof of the ship's commission; nobody had been called to speak about it, and, for all the court knew, she might be a pirate, belonging to no particular country. Because it suited the vessel in the course of her operations to fly one flag at one time and a different flag at another, the Crown could not select one, and say she was a confederate ship. If there was evidence against the captain there was none against the present defendant, who was only cook on board; and there had been no recognition of the vessel in question by the authorities here as a confederate ship.

His honor thought the acts of the ship were evidence of what she was. The acts he referred to were the capture of the merchantmen of an enemy. The change of flag was the ruse ordinarily adopted to entrap an enemy's vessel; but when in harbor here, claiming to be recognized as the ship of a foreign power, it seemed that the flag displayed had been uniformly that of the Confederate States.

Mr. Aspinall said the only evidence of the ship's nationality was her display of the confederate flag in Hobson's Bay. Then there was no proof that the southern confederacy had been recognized as a belligerent power; and the northerners contended that their antagonists were merely rebels. It had been laid down that a war between foreign countries must be proved, the British courts only taking judicial cognizance of war in their own country.

His honor: The powers in question were at present actually fighting, and he thought the Gazettes would prove their position as belligerents.

Mr. Aspinall: Fighting was not war, and it was necessary to show that the heads of the communities were engaged to constitute war. If the confederate ship did any wrong, assuming that she did, that could be no evidence of war between one country and another. As a fact, he did not deny the existence of the war, but on behalf of his client he claimed to be entitled to legal proof of it. He submitted the court had no right to say there was a war, though aware of the fact, in the absence of legal proof.

His honor considered that evidence of warlike acts was sufficient to send the case to the jury.

[573] *Mr. Aspinall desired particularly to press this point on the court, because it would be useless for him to tell the jury there was no war. In the case of Dolar *vs.* Lord Huntingdon, (11 Vesey, jr., p. 292,) Lord Eldon distinctly supported the view he took. There was also no proof of the Queen's proclamation. According to Taylor on Evidence, (p. 17,) an authenticated copy must be produced, sealed with the seal of the state or country to which it belonged; and publication in a "gazette" was not authentication.

His honor: The Gazette was an established means of publication for these documents, and the Gazette recognized the powers in question as belligerents. He was inclined to think production of the Gazette was sufficient proof.

Mr. Wrixon called attention to the fact that the offense with which the defendant was charged was one created by statute, and that the Crown could not claim a conviction unless the case were brought fully and completely within the statute. The whole object of the statute had reference to acts of war between foreign powers, and could it be contended that the case of persons joining a party of pirates could be brought up under this act? It was a necessary ingredient to prove the existence of war; and, in the absence of proof of this kind, the case could not be distinguished from one of piracy, as he had supposed this to be for the purposes of argument. The Confederate States had no accredited agent here, and there was no judicial proof that the Northern and Southern States were belligerent powers, the Federals themselves not admitting it. Neither was there any proof that the defendant had enlisted. It was merely sworn that he had acted as cook and that he had expressed his sorrow at not being permitted to remain on board.

Mr. Aspinall submitted it was necessary to show that defendant had sought and asked for employment in order to support the charge.

His honor: Defendant having given his time on board ship and his having assisted in the arrangements for his own concealment were so far overt acts as to his ultimate intention of serving on the ship.

The attorney general, on the authority of King *vs.* Holt, (5 Term Reports,) contended that publication of the proclamation in the Gazette was evidence at common law. According to the act 8 and 9 Vict., cap. 113, sec. 3, the Gazette proved itself, and there were no other local means of proving the Queen's proclamation. He cited Russell *vs.* Ryan (Crown cases) and Taylor on Evidence, (p. 23.) The Confederate States being only recognized as a belligerent power, they had no representative here, and the ordinary means of proof in such cases was therefore not obtainable.

Mr. Adamson and Mr. McDonnell were also heard on the same side.

His honor said the point he had most difficulty in dealing with was that in regard to the Queen's proclamation appearing in the Government Gazette. He had some doubt about whether the Gazette proved itself, and, if it did, whether the Queen's proclamation was evidence that the United States or two other countries were engaged in war. It would have been more regular had defendant's counsel raised the objection when these documents were put in. However, he thought he ought to give defendant the benefit of a special case. If the Crown pressed him to receive this documentary evidence, he would do so, and reserve the case for the defendant; but if the Crown did not ask him to accept it, he would exclude this portion of the evidence.

The attorney general elected to go to the jury upon the evidence founded on acts proved.

His honor said, that being so, he would not reserve a case, though he would grant a new trial motion if asked. He would merely take the acts proved as evidence of a war and that the ship was simply a belligerent vessel of some power.

Mr. Aspinall then addressed the jury for the defense, in a humorous speech, which excited great laughter, characterizing this as the most ridiculous state prosecution ever brought before twelve men. Superintendent Lyttleton had marched up with fifty men, supported by Mr. Verdon and all the artillery, for the purpose of capturing a cook; but, like the King of France, they all marched down again, for, having captured the vessel on the slip, they dropped it like a hot potato. The Crown would have the jury believe the country was about to be plunged into a war, all because this man had cooked a few chops for the officers of the ship while on the patent slip. What a case was this to make a state trial of! Did the jury believe that Her Majesty was trembling upon her throne because Charley was cooking a few sausages? Or that, because the attorney general was prosecuting in this case, the Confederate States cared whether Charlie was cooking chops or hominy there? The defendant was no loafer; he was a man seeking to earn a living by honorable employment; and why was he seized upon to be made a scape-goat? Mr. Langlands, who had gone the length of putting [574] the ship in repair and making her *ready for war, was allowed to go scot-free; but the man who had fried potatoes on the patent slip stood before them a state prisoner, awaiting his fate. Charley, the cook, subverting the British constitution! That was the proposition submitted to the jury. In order to convict this man, the jury must believe that he was engaged. The attorney general proved that he was not engaged; that he had been refused; and this was his evidence that he was engaged. Intent and attempt were very different things; and a man might go on a ship merely in the hope of getting employment. The attorney general, it seemed, insisted upon a conviction, though he did not intend to press for a heavy penalty. There was a significance in this, and it was plain that the intention of the prosecution was to prove Captain Waddell and the officers of the Shenandoah liars. Though the defendant only got an hour's imprisonment, if the jury convicted, it would go forth through the American press that a jury of a British colony had pronounced the officers of a southern ship to have been guilty of violating a treaty and of neglecting their own honor and position. This would do more to create a war than any act of the defendant's, and the fact was that the officers of this vessel so faithfully maintained their position that they would not even have Charley as cook. The correspondence with a bilious minister seemed to be quite lost sight of; it was the act of a man who did some cooking while the officers were on shore, and expressed regret at not being allowed to join the ship, that was to give rise to war. The attorney general had even attempted to coax the jury into convicting, by promising, in effect, that the punishment should be small. Perhaps it would be; and this would not be the first time the Crown law-officers had remitted penalties. Possibly the defendant would be allowed to give a check in payment of his fine. If any war came of the affair at all, it would be from the method adopted in this colony in dealing with the vessels of foreign powers, by which the feelings of the representatives of the belligerents were outraged. He had not the least anxiety for his client, because he did not believe the executive would dare to carry out any sentence upon him; but he wished to protect the southern flag from unmerited insult. He should like it to be said that, whatever the government of this colony thought proper to do, a jury of twelve men could not be found to sanction it; and, for the credit of the colony, he did not wish it to be said that political feeling had been allowed to determine the matter, and that a stigma had been unjustly put upon the characters of the officers of the Shenandoah.

His honor said that, as the case involved far more important consequences than anything merely affecting the defendant, he would postpone his charge to the jury until the following morning. It would be the duty of the jury, in the meanwhile, to abstain from conversing with any one upon the subject of the present trial, or in any way laying themselves open to receive an influence, remembering that it was their duty to decide the case merely upon the evidence legally before them.

The court then rose.

SATURDAY, *March* 18.

The case of James Davidson, *alias* "Charley," in which the defendant was charged with a breach of the foreign-enlistment act, was proceeded with.

The attorney general, (Mr. Higinbotham,) with Mr. Travers Adamson and Mr. M. A. McDonnell, appeared for the prosecution; Mr. Aspinall, with Mr. Wrixon, for the defense.

Mr. Wrixon said that, before his honor charged the jury, he wished to remind the court of certain objections made by his learned friend, Mr. Aspinall, on the previous day, but not then pressed by him, namely, that the evidence adduced as to various acts of aggression of the ship Shenandoah on the high seas could not be connected with the defendant. Now that the Gazettes were withdrawn, the whole case turned on this. As to the character of the ship, before any proof could be admitted against the defendant, it must be proved that he was at the time in possession of facts which occurred thousands of miles away on the ocean. They had no opportunity of challenging such evidence, given by witnesses who had been retained and maintained for the prosecution. He referred to Starkie on Evidence (p. 83) in support of the proposition that the defendant could not be bound by the acts of strangers; such acts were not admissible in evidence. The case of Rex *vs.* Hunt and others (3 B. and Ald., p. 566) would bear out the view he urged. Lord Tenterden had distinctly laid down this principle. The evidence for the prosecution on this point should have been brought down to a more recent date. As it was, it was a mere assumption that the vessel retained a belligerent character up to the time the defendant went on board.

[275] The attorney general replied that these objections were irregular. The evidence of *the government Gazettes was withdrawn on the court intimating that the acts of the vessel were sufficient evidence of her warlike character. If the court decided on reopening the question he would again tender the Gazettes, as he was confident they were good evidence.

His honor said he understood the Gazettes were only withdrawn as far as they referred to proof of the pendency of war between two foreign states.

Mr. Aspinall, who had just entered the court, submitted that they were wholly and entirely withdrawn.

His honor: If they were, there was nothing more to be said about them. But, if the Gazettes were admitted, the evidence which they would afford would be very slight, as it would rest on the presumption that the defendant had read the English and Victorian government Gazettes, the latter having been published several days after the defendant was on board the ship. The jury would have to be told that the defendant could not be held to be cognizant of acts which took place before he went on board the vessel.

The attorney general urged that, though slight evidence, the Gazettes were certainly some evidence of the proclamation of neutrality. Every subject of the Crown must be presumed to have a knowledge of the proclamations made by the Crown in the ordinary way.

His honor: Is there any reference in the Victorian government Gazette to this vessel?

The attorney general: No.

Mr. Adamson: If the matter be reopened at all, it must be reopened for all purposes.

Mr. Aspinall wished to let the matter remain just where it was on the previous evening. He would remark that there was no proof that there was a gun on board the vessel at all.

His honor said that, although that fact was not brought out very prominently, it had been elicited in the course of evidence.

His honor then proceeded to charge the jury. He said in this case James Davidson, *alias* Charley, was charged in a number of counts dealing with an offense in many different aspects, but which in broad terms was that he had enlisted on board the Shenandoah, she being a confederate war-ship. The information was laid under the English act 59, Geo. III, (cap. 69, sec. 2,) commonly known as the foreign-enlistment act. In order to convict the defendant on any of the counts, the jury would have to be satisfied as to several facts: 1. That the defendant was a natural-born British subject. Evidence on this point was contained in the defendant's own statement to the first witness, the keeper of the Williamstown watch-house, that he was a Scotchman; although, even in the absence of such testimony, till the contrary was proved, it was to be presumed that all persons found here were natural-born subjects of Her Majesty. 2. The jury must be satisfied that the vessel in question was a ship of war in the service of the Confederate States of America. The jury might take cognizance of the fact, as a matter of geography, that there were two states or governments, the one known as the Federal and the other as the Confederate States of America, each being a portion of what was formerly the United States of America. The jury might take cognizance of this fact without any reference to the merits of the contest—whether secession was right or wrong; they had nothing to do with that. They must regard the fact just in the same manner as they would the fact that there were two neighboring states—Spain and Portugal—which, though at a long distant period, had been at war. The case might be dealt with just as though a vessel of one of these powers, being a belligerent, had entered our waters, and that the offense had been committed on board such a vessel. He gave this by way of illustration. The jury might take cognizance of geographical facts, just as they might of the fact that there were two neighboring colonies, South Australia and Tasmania, although they had never been there. 3d. The next question for the jury to decide was whether there was war pending between the Federal and Confederate States of America. The only admissible evidence on this point was the conduct of a ship—the proved acts of the vessel—when at sea she was engaged in capturing Federal vessels and then hoisting the confederate flag. Evidence was adduced of the burning, sinking, and destroying by the Shenandoah of five or six Federal vessels, some of the witnesses being seamen taken out of those vessels. The jury were aware of the manner in which the ship came into our neutral waters and was subsequently placed on the patent slip. All her acts were consistent with the presumption that she was a lawful belligerent—not a pirate. It was a presumptive proof that she was not a pirate; that she came into the port of a neutral maritime power, knowing that, if she were a pirate, all on board would run the risk of hanging. The quiet manner in which she came here was, so far, proof that she was a lawful belligerent.
[576] It was just as though a *Portuguese ship of war had come into our neutral port after capturing or destroying a number of Spanish ships, supposing those two countries to be at war. The jury must shut out all extraneous sources of information; they must, so to speak, lock their minds against all sources of information, except such as were disclosed in evidence, and deal with the facts just as though Spain and Portugal were the countries involved. It was for them to say whether the facts would reasonably justify them in arriving at the conclusion that there was war pending between the two countries. From the flag, guns, officers' uniforms, &c., on board the vessel they might draw inferences; but they were not to infer against the defendant that he was aware of the previous history of the ship. Then came the question, Did the defendant know that she was a ship of war? The arguments of counsel on this point had been noticed. The defendant saw that she had all the characteristics of a ship of war, and had remained on board among men wearing a uniform, many of whom were prisoners taken out of Federal vessels. The questions thus arose; Did the prisoner, by his acts, incur all the culpabilities? Did he go on board the vessel intending to enlist? As to his not having the leave and license of the Queen, there was no proof that he was under the exceptions mentioned in the act. As to the various counts of the information—the first, fourth, seventh, tenth, thirteenth, sixteenth, and nineteenth—charging defendant with entering the service as a sailor, the evidence was clear that he was not a sailor; therefore the jury would exclude all those counts from their minds. Now came the question whether entering as a cook was a breach of the foreign-enlistment act. Though at first he had some hesitation on the point, he had come to the conclusion that it was, as it came within the meaning of the words of the act "entering to serve."

Non-combatants shared the dangers of battle, and must be in readiness to expose themselves to danger. Defendant was a cook, and as men could not fight unless they ate, some one must serve in that capacity. Thus, surgeons were required to attend the sick and wounded; others were employed in the laborious occupation of supplying the furnace with coals, and these and others, though non-combatants, and probably specially exempted from fighting, all aided in effecting the warlike designs of the ship; so a cook co-operated and came within the meaning of the act, which made service rendered to a foreign belligerent power punishable. As to the next class of counts—three, six, nine, twelve—there was but a slight difference between them: if the defendant was liable under one, he was under all. The question was, did he "serve" on board, and thus the question arose as to what service was. A man casually employed—such as to calk, or as a temporary cook—would not be considered to be in the service, no more than a temporary waiter employed at a private house would be considered to be in the service of the household. The question for the jury to decide was whether the defendant's relation to the ship was sufficiently permanent to constitute "service." Reverting to counts two, five, eight, eleven, and fourteen, evidence of intention to enlist might be gathered from defendant's conversations with the inferior officers of the ship. The second lieutenant told defendant if he remained on board till they went to sea he should be put on the ship's list. It was for the jury to say whether this amounted to an agreement to serve. Unfortunately, this question had been mixed up with others in the public mind; but the jury must confine themselves strictly to the evidence before them: that the defendant was on board, wore the uniform, conversed with certain officers; that when visitors were on board he was secreted in the forecastle, the performance of his ordinary duties as cook being suspended, and his food being taken to him. It was for the jury to say whether defendant's conversation with the first lieutenant amounted to an agreement that he should be put on the ship's articles when she got out to sea. Defendant remained on board for some time, and then, with some degree of secrecy as to time and manner, left the ship; he left the vessel in a manner which indicated that it was not intended to be a matter of general observation. It had been said that the honor of the officers was involved in this matter, and these topics had been freely bandied about in the newspapers. But the question was, did it involve their honor; did the getting of a cook cast an imputation on their honor? It was for the jury to say whether it would reflect so deeply on their honor that they could not believe it to have occurred. The offense would be considered by most people as venial. The jury must regard these considerations only so far as the occurrence of the alleged act was inconsistent with the character of men of honor, and then to determine how far it reflected on the defendant, and on the probability or otherwise of his guilt. It must be remembered that the prisoner had lost the benefit of such evidence as the ship's officers could have given. This might give rise to some doubts. The second class of counts referred to defendant's agreeing to serve; the third class was as to the actual service. He had already said that he discarded the counts from eighteen to twenty-four; but it would be competent to the jury either to say that defendant attempted to serve, or that he entered into an agreement. The jury might acquit the defendant of the actual fact of service and convict him of having intended or agreed to serve
[577] He would now turn to the actual *evidence as to the vessel being a ship of war.

[His honor read the evidence of John Williams, and other witnesses, as to the acts of the Shenandoah at sea.] The jury would, of course, consider the character and reliability of these witnesses. It had been urged that they were deserters, and, therefore, unreliable. But in estimating the amount of importance to be attached to this imputation, it must be remembered under what circumstances the men joined the ship. They were taken as prisoners from prizes, and, immediately on arriving in a neutral port, they deserted this forced service. Then there was the evidence as to how the men had been fed and provided for here. It appeared that they had lived at boarding-houses and they were to be paid 7*s.* per day. They appeared to have been dealt with liberally; but it was for the jury to say whether that treatment of the witnesses amounted to bribery.

The attorney general: The regulation payment is 7*s.* 6*d.* per day.

His honor: That did not transpire in evidence, though it was mentioned by Mr. Adamson. It was admitted that the men had some expectation of getting more from the American consul. Still, the amount which they were actually to be paid was 6*d.* per day under the regulation allowance. As to the defendant and his companions, there was evidence of their having landed in some degree covertly. [His honor read the evidence.] It was for the jury to decide whether the defendant was permanently serving on board a war steamer in the capacity of cook while that war-steamer was in our neutral waters. If so, they must convict under the first line of counts. As to whether defendant agreed, the jury would have to arrive at the conclusion that he bargained with the first lieutenant, and that that officer was competent to make such an arrangement. If they did not consider the evidence of actual service sufficient to convict, then they could convict defendant of an attempt, his going on board the vessel at all being, in the view of the court, an overt act sufficient to constitute an attempt to enlist.

Mr. Aspinall reminded his honor that the evidence was that the defendant obtained the uniform from another seaman, not from the officers of the ship.

The jury then retired to consider their verdict. After about an hour's absence they returned into court, and found the defendant "Guilty of an attempt to enter the service of the Confederate States of America."

His honor: Then you find the prisoner guilty on the second count?

The foreman: Yes, your honor; guilty of an attempt to serve—not guilty of serving.

The attorney general intimated that there were two other similar cases. In one, that of Arthur Walmsley, the Crown had decided not to proceed; in the other it was understood that the defendant, William Mackenzie, would plead guilty under the second count.

Mr. Aspinall reminded the court that the defendants had been in custody since the 17th February. He begged to remark that he could not understand how the defendants, in the words of the information, could "attempt to agree" to serve, inasmuch as the evidence was that the confederate officer would not have them, and put them over the side of his ship.

Mr. Wrixon followed on the same side, arguing that the finding of the jury must strictly accord with the terms of the count; in support of his argument he quoted a case from the "Crown Cases Reserved."

His honor held that soliciting to serve was an attempt to commit the offense.

After some further argument,

His honor proceeded to pass sentence. In doing so he said that those prosecutions had not been undertaken in any spirit of hostility on the part of the Crown. A breach of the laws of the country had been proved; but it was not to be said that the defendant had been guilty of an infringement of moral duty, as persons in his rank of life might not, and probably did not, know the important results which might follow from such unlawful acts. He was not disposed to make the defendant a severe example by way of showing the intensity of the neutrality of this British colony. As the defendant had already been imprisoned for more than a month, a small further punishment would be sufficient to show that the neutrality laws must be strictly maintained. The sentence of the court, therefore, was that the defendant be imprisoned for ten days. [Suppressed applause.]

William Mackenzie pleaded "Guilty" under the second count, and was similarly sentenced.

Arthur Walmsley, a lad about fifteen years of age, was brought up, and, on the application of the attorney general, discharged.

The comic appearance of the juvenile offender against international law threw the whole court into a fit of laughter, which lasted for some minutes, the learned judge, the attorney general, Crown prosecutor, in fact the whole bar, joining in the merriment.

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* No. 31.

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *June* 3, 1865.

SIR: I transmit to you herewith, for your information, copy of a letter and its inclosures from the colonial office,[1] relative to questions which have arisen out of the proceedings of the Shenandoah at Melbourne.

I am, &c.,
(Signed) RUSSELL.

No. 32.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 21, 1865. (Received October 23.)

MY LORD: Under instructions from my Government, I have the

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[1] No. 30.

Representation from Mr. Adams.

honor to submit to your consideration copies of certain papers, marked A, relative to the destruction of the whaling-bark William C. Nye by the vessel known under the name of the Shenandoah.

I am further directed to state that, in view of the origin, equipment, and manning of that vessel, my Government claims to look to that of Great Britain for indemnification for this and other losses that have been occasioned by her depredations.

In order that the facts attending this particular case may be more fully laid before you, I pray your lordship's attention to the series of papers marked B, herewith transmitted, which relates to a very material portion of this vessel's career.

In the statement of this case I shall endeavor to confine myself to a recapitulation of the principal facts. To this end it will be necessary for me to recall your attention to certain portions of the correspondence which I have heretofore had the honor to hold with your lordship.

In the letter which I was directed to address to your lordship on the 6th of September, 1864, when I was under the painful necessity of remonstrating against the conduct of the commander of the yacht Deerhound, in rescuing from the hands of the victor in the strife many of the crew of the Alabama, I received orders to submit to your consideration four propositions, two of which were in the following words:

> 3. That the continuance of these persons to receive from any British authorities or subjects pecuniary assistance or supplies, or the regular payment of wages, for the purpose of more effectually carrying on hostile operations from this kingdom as a base, is a grievance against which it is my duty to remonstrate, and for which to ask a remedy in their conviction and punishment.
>
> 4. The occasion has been thought to warrant a direction to me to ask with earnestness of Her Majesty's government that it should adopt such measures as may be effective to prevent the preparation, equipment, and outfit of any furthur naval expedition from British shores to make war against the United States.

To these propositions your lordship was pleased to reply on the 26th of September, by stating that the rescue of those people from the sea, and from their captors, was regarded by you as a praiseworthy act of humanity, and that, after their escape into this kingdom as a refuge, any attempt to restore them could be viewed by you only as a violation of hospitality. No action whatever, so far as I have had an opportunity of knowing, has followed upon either of these requests.

On the 10th of November following, I took the liberty of calling your lordship's attention to the fact that these refugees, who had been enjoying the hospitality of a neutral kingdom, were in reality persons most of them British subjects, originally enlisted within this kingdom for an unlawful purpose, actually still engaged in the same business, and held together with a view of making a part of another enterprise of the same sort with that of the Alabama, conceived and executed in all its parts by agents of the rebels residing all the time under the protection of Her Majesty's neutral territory at Liverpool.

The result, as displayed in the papers now submitted, shows conclusively that the "refuge" spoken of by your lordship has been turned into a den of robbers, and that the humanity so freely commended has in its consequences been productive of wide-spread suffering to many industrious and innocent men.

On the 18th November, 1864, I had the honor to transmit to your lordship certain evidence which went to show that, on the 8th October preceding, a steamer had been dispatched under the British flag from London, called the Sea King, with a view to [579] *meet another steamer, called the Laurel, likewise bearing that flag, dispatched from Liverpool on the 9th of the same month, at some point near the island of Madeira. These vessels were at the time of sailing equipped and manned by British subjects; yet they were sent out with arms, munitions of war, supplies, officers, and enlisted men, for the purpose of initiating a hostile enterprise to the people of the United States, with whom Great Britain was at the time under solemn obligations to preserve the peace.

It further appears that on or about the 18th of the same month these vessels met at the place agreed upon; and there the British commander of the Sea King made a formal transfer of the vessel to a person of whom he then declared to the crew his knowledge that he was about to embark on an expedition of the kind described. Thus knowing its nature he, nevertheless, went on to urge these seamen, being British subjects, themselves to enlist as members of it.

It is also clear that a transfer then took place from the British steamer Laurel to the Sea King of the arms of every kind with which she was laden for the same object, and, lastly, of a number of persons, some calling themselves officers, who had been brought from Liverpool expressly to take part in the enterprise. Of these last a considerable portion consisted of the very same persons, many of them British subjects who had been rescued from the waves by British intervention at the moment when they had surrendered from the sinking Alabama, the previous history of which is but too well known to your lordship.

Thus equipped, fitted out, and manned from Great Britain, this successor to the destroyed corsair, now assuming the name of the Shenandoah, though in no other respect changing its British character, addressed itself at once to the work for which it had been destined. At no time in her later career has she ever reached a port of the country which her commander has pretended to represent. At no instant has she earned any national characteristic other than that with which she started from Great Britain. She has thus far roamed over the ocean, receiving her sole protection against the consequences of the most piratical acts from the gift of a nominal title which Great Britain first bestowed upon her contrivers, and then recognized as legitimating their successful fraud.

I am not unmindful of the grounds which have been heretofore assigned by your lordship as releasing Her Majesty's government from responsibility for the flagrant conduct of this vessel. It is urged that there is no power to prevent vessels bearing the semblance of merchant-ships from leaving the ports of this kingdom and meeting each other at some place on the ocean far beyond Her Majesty's jurisdiction, for the execution of a purpose like that now in question. The parties to it violate no law of the land, provided they commit no offense against the neutrality of the kingdom within its territorial limits. While I cannot myself quite appreciate the force of this reasoning, so far as it may be applied to absolve one nation from its international obligations with another, merely on account of the skill of its subjects in evading the local law, I am at the same time not disposed to underrate the difficulties which the best-intentioned government may, in performing its duty, experience from that cause. Its will may certainly be sometimes baffled by the arts of desperate and profligate adventurers.

Did the merits of this case depend upon the mere fact of the escape of the vessel from a British port by eluding the vigilance of the authorities, it might, perhaps, be considered as not entailing upon Her Majesty's government so heavy a responsibility. There are other circumstances connected with that event which aggravate its nature. One of the most grave appears to be the fact that, after the escape had occurred and the nefarious project had been consummated, Her Majesty's government, nevertheless, instead of taking prompt measures to denounce the transaction thus completed in defiance of its authority, and refusing to give it the smallest countenance in any British port, deliberately proceeded to accept the result as legitimate, and to direct that this vessel so constituted should be from that moment entitled to all the privileges which an honest belligerent might claim or any vessel of the United States would enjoy.

The consequences of what I cannot but regard as this most unfortunate construction of international law, by which success in committing the fraud was made the only test to purge it of its offensive nature, have been manifested in the manner in which the Shenandoah was received wherever it went in the British dependencies. The supplies there obtained under one pretense and another, particularly in the remote ports of Australia, have enabled this vessel to keep the seas and to continue her depredations long after she has been stripped of the last shadow of the character with which Her Majesty's government voluntarily chose to invest her at the outset. It is impossible to read the papers which have been forwarded to my Government from the consul at Melbourne, copies of which are submitted with this note, without feeling that in no instance on record have similar concessions been made to a vessel [580] of such a fraudulent origin, or such offensive *partiality been manifested toward it by a portion of a nation professing to style itself neutral. In consenting to receive this vessel, after the facts of its illegal origin and outfit had been satisfactorily established, I cannot resist the conviction that Her Majesty's government assumed a responsibility for all the damage which it has done, and which, down to the latest accounts, it was still doing, to the peaceful commerce of the United States on the ocean.

I pray permission to call your lordship's attention to still another of the circumstances which appear to me among the most grave belonging to this case. This enterprise seems to have been the last of the series conceived, planned, and executed exclusively within the limits of this kingdom. It emanated from persons established here since the beginning of the war as agents of the rebel authorities, who have been more effectively employed in the direction and superintendence of hostile operations than if they had been situated in Richmond itself. In other words, so far as the naval branch of warfare is concerned, the real bureau was fixed at Liverpool and not in the United States. The vessels were constructed or purchased, the seamen enlisted, the armament obtained, the supplies of every kind procured, the cruises projected, and the officers and men regularly paid here. In other words, all the war made on the ocean has been made from England as the starting-point. I have had the honor to furnish from time to time to your lordship evidence of the most conclusive character touching most of these points, and I have even designated the chief individuals to whom the supreme direction of the operations had been intrusted. I fail to be able to recall in history a case of more flagrant and systematic abuse of the neutrality of a country by a belligerent, kept up for an equal length of time. But what I cannot but think still more remarkable is, that notwithstanding the fact of the frequent representations and remonstrances made by myself under the instructions of my Government, so far as I have been permitted to learn, not a single effort was ever made by Her Majesty's government either to prevent or to punish the persons known to be engaged in this most extraordinary violation of the law of the land. Prosecutions have been instituted, indeed, against a few persons who were alleged to have been acting in contravention of the provisions of the enlistment act. Mr. Rumble, after escaping from justice by the leniency of a jury, received a decided censure from the government; Captain Corbett, the officer commanding the Sea King, though prosecuted, appears never to have been brought to trial. But these, with a few minor cases, were exclusively those of British subjects, who appear to have been acting merely as instruments of a power above their heads. Not a single individual directly connected with the rebellion, and sent here to conduct the operations, has ever been molested in any manner. It cannot, therefore, be at all a matter of surprise when the mainspring of the various naval enterprises, the director of the Alabamas, Floridas, Georgias, and Shenandoahs, was left wholly undisturbed, that it has been impossible to put a stop to the damage which has ensued to the people of the United States from the ravage and depredation committed upon them by the operations carried on from this kingdom. At the very time when the fortunate encounter of the Alabama by the United States steamer Kearsage terminated in the destruction of one of these corsairs, the offspring of the violated law of this land, and when the people of the United States were congratulating themselves that one great cause of irritation between the two countries was at last laid to rest, it now appears that the directing power to which I have alluded at once turned its attention to a husbanding of the seamen saved by a trick from the hands of the victor, with a view to the immediate production of a successor to the same work. The evidence which I now have the honor to submit shows that many of the crew saved from the Alabama have been from the beginning, and still continue to be, a part of the crew of the Shenandoah. Neither does it appear from anything within my knowledge that the smallest attention was ever paid by Her Majesty's government to the representations which I had the honor to submit at the time touching the probability of precisely such an operation.

That the principal person engaged in the direction of this bureau was an officer by the name of J. D. Bullock, expressly dispatched from Richmond for the purpose of organizing it, is a fact to which I had the honor to call your lordship's attention in many different forms during the progress of the struggle. Yet, in spite of all this evidence, Mr. Bullock appears to have been permitted to conduct his operations, and especially to shape the outfit and the entire cruise of the Shenandoah, without the smallest interference from any official quarter.

It may, however, be objected that whatever may have been the nature of my remonstrances, no sufficient evidence was presented of the official character and proceedings of Mr. Bullock to sustain the initiation of any prosecution against him in the courts. To which I am pained to be constrained to reply that my Government has reason to believe [581] *that Her Majesty's government has in one instance considered that evidence sufficient to sustain it in recognizing the authority of Mr. Bullock over the commander of the Shenandoah so far as to stop its career, and in consenting to furnish the medium by which to transmit his orders to that vessel. The power to prevent certainly implies the previous existence of a power to control. I beg permission to express the hope that inasmuch as the papers in which this fact appears have not come into the hands of my Government by direct communication from your lordship, I may presume them not to be genuine.

Should the fact be otherwise, however, while readily conceding that the motive for such a proceeding may have been substantially of the most friendly nature, in accelerating the termination of the ravage committed by that vessel, I do not at the same time feel at liberty longer to disguise from your lordship the sense of extreme surprise which the knowledge of it has caused, not less on account of the singular recognition thus incidentally made of the authority of one long since pointed out as the principal offender against the neutrality of this kingdom, and enjoying a degree of impunity difficult to be understood, than of the fact that Her Majesty's government appears to have determined thus to act without deigning any friendly signification of its purpose to the party most directly interested in the decision.

Since the preceding was written I have had the honor to receive unofficially from your lordship the gratifying intelligence that Her Majesty's government have decided to send orders to detain the Shenandoah if she comes into any of Her Majesty's ports, and to capture her if she be found on the high seas. I have taken great pleasure in transmitting this to my Government. At the same time, I trust I may be pardoned if I am compelled to remark that had Her Majesty's government felt it to be consistent with its views to adopt this course at the time when it adopted that upon which it has been my painful duty to animadvert, it would have most materially contributed to allay the irritation in my own country inseparable from the later outrages committed by that vessel.

Having thus acquitted myself of the unpleasant duty with which I have been charged, I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 32.]

A.

Messrs. Merrill & Co. to Mr. Seward.

SAN FRANCISCO, *August* 16, 1865.

DEAR SIR: The English propeller Sea King, *alias* confederate steamer Shenandoah, has made her appearance in the Arctic Ocean and threatens the destruction of the entire whaling-fleet. Twenty-five whaling-vessels have already been burned by her, and four others captured and bonded for the purpose of bringing the crews of the burnt ships to this port and the Sandwich Islands.

Destruction of W. C. Nye.

On the 26th of June she burnt our bark the William C. Nye, of this port, sending her crew on to this port in the whaler General Pike, and we wish to place on file or present for collection our claim against the English government for the destruction of the said vessel, amounting to $280,212.50. The size of the William C. Nye, and the owners of her, are certified to by our deputy collector; and we forward with the claim the captain's "extended protest." Please inform me whether the claim should be presented in any different shape.

Allow me to suggest that the next Congress be recommended to appoint a "commission" to adjust these claims, while all the testimony that may be required can be obtained, and the various facts in the different cases are fresh.

We remain, &c.,

(Signed) J. C. MERRILL & CO

The bark William C. Nye was the capacity of 389$\frac{35}{95}$ tons, as appears from copy of her register on file in this office, and she was owned as per statement hereunto attached.

In witness whereof I have hereunto set my hand and seal, at San Francisco, this 11th day of August, 1865.

(Signed) E. DANIELS,
Deputy Collector.

[582] *SAN FRANCISCO, *August* 7, 1865.

English propeller Sea King, *alias* Confederate States steamer Shenandoah, Dr., to J. C. Merrill & Co., owners and agents of American bark William C. Nye.

Bark William C. Nye, live-oak built, coppered and copper-fastened, 389$\frac{35}{95}$ tons, burned in the Arctic Sea, June 26, 1865	$35,000 00
Boats, casks, crafts, provisions, whaling-guns, bombs, and materials	20,000 00
150 barrels whale-oil on board, 4,725 gallons, at $1.50	7,089 00
Season's catch destroyed, estimated 2,500 barrels whale-oil, 78,750 gallons, at $1.50	118,125 00
Whalebone, 50,000 pounds, at $2	100,000 00
	280,212 50

Owners:

J. C. Merrill & Co.	$\frac{7}{16}$
P. H. Cootey	$\frac{3}{16}$
Moore & Co.	$\frac{2}{16}$
Charles Hare	$\frac{2}{16}$
Tubbs & Co.	$\frac{1}{16}$
William How	$\frac{1}{16}$
	$\frac{16}{16}$

UNITED STATES OF AMERICA,
State of California, city and county of San Francisco, ss:

To all people whom these presents shall or may concern:

I, E. V. Joice, a public notary in and for the State and county aforesaid, by letters-patent under the great seal of the said State duly commissioned and sworn, dwelling in the city of San Francisco, send greeting:

Know ye that on this 7th day of August, in the year of our Lord 1865, before me, the said notary, at my office in the city of San Francisco, personally appeared S. H. Cootey, master of the bark William C. Nye, belonging to the port of San Francisco, (the said master having personally noted in due form of law his intention to protest,) who, together with Fitch Way, second officer, John Sheridan, steward, and John Scanlan, carpenter, belonging to the aforesaid vessel, being by me duly sworn on the Holy Evangelists of Almighty God, voluntarily and solemnly did declare and depose as follows, to wit:

That they, the said appearers, on the 27th day of March, 1865, set sail and departed in and with the said vessel from the port of San Pedro on a whaling-cruise and bound for the Arctic Ocean, the vessel being then stout, stanch, and strong, her cargo well and sufficiently stowed and secured, well masted, manned, tackled, victualed, appareled, and appointed, and in every respect fit for sea and the voyage she was about to undertake. That on the 27th day of March we left San Pedro, bound for the Arctic Ocean on a whaling-cruise, having on board about one hundred and fifty barrels of oil, the catch of between seasons. Meeting with no incident worthy of note, on the 25th of May we made Cape Thaddeus, and were cruising for whale, when on the morning of the 26th of June, at 2 o'clock, the officer of the deck came down and reported what he thought to be a steamer close to us. Before the master could get on deck the steamer had hailed our bark to haul aback, which was done. The steamer lowered a boat and came alongside; an officer came on deck and said to Captain Cootey, "You must consider yourself a prize to the confederate man-of-war Shenandoah." She had no flag flying, and this was the first intimation we had of her character. The officer then inquired how many officers we had on board, and was informed four, when he ordered the captain and officers, with her papers, to get into his boat and go aboard the steamer. At this time the war-steamer was within one hundred and fifty yards of the bark, and her guns were all visible, and the magnitude of her strength and ability to carry out his orders was apparent. We got aboard the boat and were taken on board the Shenandoah, when an officer ordered the captain to go into the cabin, where he was met by Captain Waddell, in command of the Shenandoah, who inquired of the captain for his papers, which were handed over and then given to the clerk. A bond or parole was then made out for the captain and officers to sign, but the precise character of the document is not known. However, upon this being done, and all the papers belonging to the ship, including her register, taken possession of by the clerk of the steamer, we were then informed by the commander of the steamer that he was done with us, when we were taken down into the between decks and there searched by a person called master-at-arms, who treated us with every indignity he could in-vent; our pockets turned inside out, clothing rudely examined, and then ordered to sit down on the floor with some Chinamen. After remaining in this place about [583] thirty minutes we were ordered on deck, and go aboard our *bark to get a portion of our clothing. And while we were packing, the partitions were being knocked down preparatory to burning the vessel. In about fifteen minutes after going aboard we were ordered to leave, when the bark was set on fire, and we were then put on our own whale-boats in tow of the steamer, when she started for two or three other whalers in sight to the northeast. After capturing and burning these vessels as well as our own, we were, by order of the captain of the Shenandoah, put on board the bark General Pike, together with those belonging to captured whalers, which vessel was bonded to take us to San Francisco, where we arrived August 1, 1865. There were seven ships' companies put on board the Pike, of about three hundred tons, all of whom suffered in consequence of the crowded condition of the ship, and the want of accommodation for the voyage to San Francisco.

The bark William C. Nye was well found and equipped in every respect for the voyage she had undertaken.

And the said appearers further declare that, as all the damage and injury which already has or may hereafter appear to have happened or accrued to the said vessel, her freight and cargo has been occasioned solely by the circumstances hereinbefore stated, and cannot be attributed to any insufficiency of said vessel, the neglect or default of him, this deponent, his officers or crew, he now requires me, the said notary, to make this protest and this public act thereof, that the same may serve and be of full force and value as of right shall appertain. And thereupon the said master protested, and I, the said notary, at his special instance and request, did as by these presents I do publicly and solemnly protest against the winds, weather, and seas, and against all and every accident, matter and thing, had and met with as aforesaid, whereby or by means whereof the said vessel, her freight, or her cargo, already has or hereafter shall have suffered or sustained loss, damage or injury, and for all losses, costs, charges, expenses, damages, and injury which the said vessel, or the owner or owners of the said vessel, or the owners, freighters, or shippers of her said cargo, or any other person or persons interested or concerned in either, already have been or may hereafter be called upon to pay, sustain, incur, or be put into by or on account of the premises, or for which the insurer or insurers of the said vessel, her freight or her cargo, is or are respectively liable to pay or make contributions or average according to custom, or their respective contracts or obligations, so that no part of any losses, damages, injuries, or expenses already incurred or hereafter to be incurred, do fall on him the said master, his officers, or crew.

Thus done and protested, in San Francisco, this 7th day of August, in the year of our Lord 1865.

In testimony whereof, as well the said appearers as I, the notary, have subscribed these presents, and I also caused my seal of office to be hereunto affixed the day and year above written.

(Signed) E. V. JOICE,
Notary Public.

(Signed) S. H. COOTEY, *Master.*
FITCH WAY, *Second Officer.*
JOHN SHERIDAN, *Steward.*
JOHN SCANLAN, *Carpenter.*

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

I, the undersigned notary public, hereby certify the foregoing act of protest to be an accurate and faithful copy of the original on record in my book of official acts.

In testimonium veritas,
(Signed) E. V. JOICE, *Notary Public.*

[Inclosure 2 in No. 32.]

B.

Mr. Blanchard to Mr. Seward.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 23, 1865.

Report of United States consul.

SIR: It is my painful duty to inform you that an armed steamship, flying the flag of the so-styled Confederate States, now called Shenandoah, but in reality the British vessel Sea King, entered this port on the 25th January, 1865, at about 8 o'clock p. m., and that said vessel was allowed to repair, to go upon a dry dock, to coal; and that she was allowed to depart at about 7 o'clock a. m. on the 18th February, 1865, notwithstanding my continued protest.

* * * * * * *

[584] *On the 25th January, the telegraph announced that a steamship supposed to be the Royal Standard, from Liverpool, fifty-two days out, was in sight; late in the evening rumors were in circulation to the effect that the vessel seen was the Confederate war-ship called Shenandoah.

On the morning of the 26th I learned from the papers that the confederate ship Shenandoah had anchored in the port about dark the day before.

On coming to the consulate on the morning of the 26th January, 1865, I found there the following-named persons, all of the late American bark Delphine, burned at sea on the 26th December, 1864, and claiming to be prisoners of war to the confederate steamship Shenandoah, and on parole not to communicate anything to the detriment of the confederate cause or that would lead to the capture of said ship, viz., William Green Nichols, master; E. T. Jones, first mate; E. P. Nichols, second mate; E. T. Lingo, steward; William Scott, carpenter; Charles Hemming, Frederick Lendbug, and William Edstrom, seamen.

Being anxious to get a description of the vessel and her armament, to send off in the mail just then closing, I used every endeavor to procure it from the above persons, and at near 1 o'clock succeeded in getting enough information to enable me to send such description of said vessel to Mr. Adams, and also to our consul at Hong-Kong, with a view of having a cruiser put on her track as soon as possible, which dispatches I sent on board the mail-steamer then in the bay, the mail having closed at Melbourne, a copy of which is herewith inclosed, (No. 3.)

While I was taking Captain Nichols's testimony, which is inclosed, (No. 4,) I received a dispatch from the commission of trade and customs at 3.30 p. m., informing me that an application had been made to land certain prisoners from the confederate steamer Shenandoah, and wanting to know, for the information of the governor, whether I, as consul for the United States, would take care of and provide for them if landed. A copy of the dispatch is herewith inclosed, (No. 5.)

The November mail from Europe, which arrived here about the middle of January, brought the news that the Sea King and Shenandoah were one and the same ship, and that she had not entered any port since leaving England. I took the position toward the authorities here, that she was not entitled to the rights of a belligerent as contemplated in Her Majesty's neutrality proclamation, and that she could not change her nationality at sea.

I therefore, in answer to the dispatch of the commissioner of trade and customs, sent an answer direct to Sir Charles Darling, the governor, then at the government house, Toorak, about five miles off, a copy of which (No. 6) is herewith inclosed, and which was delivered and receipted for at 6.45 p. m. same day.

On the 27th January I continued the examination of the men from the Delphine, several of whom told me that all the captured men who had been induced to join said vessel had done so either after imprisonment and punishment or to avoid it through threats, and that they believe they would all leave if I would protect them from arrest. I informed the men that I would protect all persons that had shipped under such circumstances from captured American vessels, and directed such men, if any such were seen ashore by them, to inform them of my determination, and direct to me or come with them. I did this with the view of liberating the men, of reducing her crew, which was mostly made up of such impressed men, and of obtaining information that the men I then had would not give on account of their parole.

I also sent to the governor an argumentative dispatch, again protesting against said Sea King-Shenandoah, and maintaining that said vessel was in violation of Her Majesty's proclamation, a copy of which is herewith inclosed, (No. 7.)

On the 28th I received a dispatch from C. J. Tyler for private secretary, informing me that my dispatches of 26th and 27th January had been referred by the governor to his legal advisers, and that his excellency the governor would acquaint me with his decision after he had received the advice of the attorney general, a copy of which is herewith inclosed, (No. 8.)

After receiving the above, I forwarded to the governor a dispatch of same date, stating that evidence was daily accumulating in my office in support of the several protests I had sent him, and calling his attention to special reasons why said vessel should not receive the treatment of a belligerent, and protesting against the aid and comfort and refuge now being extended to said vessel, a copy of which is herewith inclosed, (No. 9.)

Being under the impression that the governor of New South Wales was still governor general of all the Australian colonies, I sent to Mr. Leavenworth, our consul at Sydney, a dispatch, a copy of which (No. 10) is herewith inclosed, inclosing [585] therein *copies of the correspondence with the authorities here, and urging him, if my impressions in regard to the governor generalship were correct, to lodge protests in support of mine with the governor general there. I find I was mistaken; the governors are independent of each other.

On the 30th January I received a dispatch, dated private secretary's office, 30th January, informing me that his excellency the governor general had received my communications of 26th, 27th, and 28th January, and advised with the Crown law-officers thereon, and that his excellency the governor has come to the decision that, whatever may be the previous history of the Shenandoah, "the government of this colony is bound to treat her as a ship of war, belonging to a belligerent power," a copy of which is herewith inclosed, (No. 11.)

I immediately entered a protest, in the name of the United States, against the decision of the government of Victoria, a copy of which is herewith inclosed, (No. 12.)

After receiving this decision of the governor, thus closing all arguments and hopes as to the vessel being stopped in her career by the governor, I consulted with several American merchants here, and decided to indict her in the admiralty court. With this view I employed Messrs. Duffett, Grant, and Wolcott, solicitors, who became acquainted with sundry affidavits and witnesses at my command.

On the 1st February a debate arose in the colonial legislature respecting the Sea King-Shenandoah, in which the chief secretary seemed to think there was no proof of said vessel being the Sea King.

My solicitors considered there was abundant evidence, and that it should be laid before the Crown law-officers, which I authorized them to do. I therefore accompanied Mr. Duffett, of the said firm, to the crown law-offices, where he left the affidavits of Messrs. L. L. Nichols, (No. 13;) William Bruce, (No. 14;) and John H. Colly, (No. 15.) The minister of justice and the attorney general were absent, and the above affidavits were left with the chief clerk, Mr. Chromley.

On the 3d February Mr. Duffett, of the above, wrote to the attorney general, as per inclosure No. 16.

On the 4th February I was informed, as per inclosures Nos. 17 and 18, that on Monday, February 6, the law-officers would be glad to see me in relation to said vessel. At the appointed time, in company with Mr. Duffett, and supported by Mr. J. B. Swasey, a loyal American merchant of this city, I repaired to the officers named, when the case of the Sea King-Shenandoah was discussed with the minister of justice and the attorney general. During the interview I requested Mr. Duffett to read the affidavit of George Silvester, late a seaman on the Laurel, and fireman on the Sea King-Shenandoah (No. 19;) and Mr. Duffett left with the attorney general the affidavits of Edward S. Jones, (No. 20;) James Ford, (No. 21;) George R. Brackett, (No. 22;) Charles Bollen, (No. 23;) John Sandall, (No. 24;) William Scott, (No. 25;) Frederick Lindborg, (No. 26;) and he withdrew the declaration of William L. L. Nichols, (No. 13,) left on the 2d February, and substituted for it an affidavit of the same person, (No. 27.)

After much discussion both these gentlemen seemed to admit that the Sea King-Shenandoah would be liable to seizure and condemnation if found in British waters; but would not admit that she was liable to seizure here, unless she violated the neutrality proclamation while in this port, and if she did they would take immediate action against her.

Finding that I could not proceed in the admiralty court, I continued to take what evidence I could get, and forward it to the governor, and in the month of February I addressed to him a dispatch, in which I sent a list of the affidavits left at the Crown law-offices, a copy of which (No. 28) is herewith inclosed.

On the 10th February, 1865, I sent to the governor a dispatch inclosing the affidavit of John Williams, showing that persons were concealed on board said vessel, and others on duty on board, and wearing the uniform, which persons had come in said vessel in this port, a copy of which is herewith inclosed, (No. 29.)

On the 11th February I received a dispatch from the Crown law-officers, informing me that said John Williams may attend on Monday, the 13th, at the Crown solicitor's office, a copy of which is herewith inclosed, (No. 31.)

On Monday, the 13th, I induced Mr. Samuel P. Lord, a loyal American merchant here, to accompany said John Williams and Walter J. Madden, who had given like testimony before me, to the Crown solicitor, to see that the testimony of said persons was properly taken. Just after his departure from the consulate with the above-named witnesses, two other sailors, named F. C. Behucke and Herman Wicke, who said they left the Shenandoah only the day before, came to the consulate and [586] gave substantially the *same evidence. I immediately sent them with my clerk, Mr. Gage, to the Crown solicitor's office, to support the charge of those already there.

I then sent to the governor a dispatch inclosing the testimony of John Williams, (No. 32,) Walter J. Madden, (No. 33,) and Thomas Jackson, (No. 34,) a seaman on board the Laurel, and fireman on board the Sea King, (Shenandoah,) in support of my protests, a copy of which is herewith inclosed, (No. 35.)

At about 5 o'clock p. m. on the 13th an officer of the police, accompanied by the clerk from the Crown law-office, came to this consulate to obtain a witness to go on board the said Shenandoah to identify the persons who had shipped in this port on board said vessel. I declined to let any of them go on board said vessel unless he would return them to this consulate, as I apprehended they might be seized as deserters, informing him that they were all impressed from American vessels. He gave me such a promise, and selected Walter J. Madden, who left this consulate in his charge.

On the 14th I received a dispatch from the governor's private secretary, informing me that my dispatches of the 10th and 13th were received, and had engaged, and continued to engage, the earnest attention of the colonial government, a copy of which dispatch is herewith inclosed, (No. 36.)

On the same day I sent a dispatch to the governor, (No. 37,) inclosing the affidavits of F. C. Behucke, (No. 39,) and Hermann Wicke, (No. 38,) these being the two men whom I had sent the day before to the Crown solicitors, and whose affidavits I took after their return.

On the 14th of February Walter J. Madden returned and informed me that the police were not allowed to search the ship the day before, and that two policemen went on board this morning, and returned without making any arrest, and that he was dismissed for the present. He also informed me that the Shenandoah was then on the patent slip undergoing repairs.

On the evening of the 14th the town was full of rumors about the seizure of said vessel. About 5 o'clock I proceeded to Sandridge to ascertain if said seizure was made. Sandridge is opposite Williamstown, where the said vessel was, and in direct communication by a steam ferry-boat, and distant about three miles. While at Sandridge I was informed by a master of an English ship, who was boarded by the Shenandoah previous to her arrival here, and whose name I do not remember, that he was on board the Shenandoah an hour previous, drinking with the ward-room officers, when Captain Waddell came in with a printed paper in his hand and informed them that the ship had been seized. That he left, coming through the police then around the said vessel, by giving his name and occupation.

On the morning of the 15th February it was reported in the papers that the Shenandoah had been seized by the authorities; that four persons endeavoring to escape from the said vessel were arrested. Among them was one Charley, who had been named by all the witnesses as being on board and wearing the uniform of the said vessel.

With a view of getting the governor to reconsider his decision as alluded to, (No. 11,) and in answer to the argument used by the Crown law-officers at the interview I had with them before referred to, I forwarded to his excellency a dispatch, a copy of which is herewith inclosed, (No. 40.)

I received the same day a notice from the police department informing me of the arrest of four men, and desiring the presence of some person to identify them, a copy of which is inclosed, (No. 41.)

I sent the four men who had given the information to identify the arrested men, who returned same day, stating that Charley was among them, and that the others were also some of the persons referred to in their affidavits as being on board, and that their names were remembered when seen. These men also informed me that the prisoners were remanded, and that they were to appear the next day against them at the Williamstown police court. A few hours after I heard that the ship was released.

In the evening, during the session of Parliament, the chief secretary announced that the government had issued no warrant and that there had been no search; "that a warrant had only been issued for the arrest of one of their subjects, and that, being satisfied, they ought not to proceed to extremities in this matter." Permission was then given to the workmen to launch the ship, which had been forbidden.

On the 16th February I had the men to attend at the police court in Williamstown, as required, as witnesses. Two of the prisoners were committed, one released on the ground that he was not a British subject, and the other remanded till the next day.

While crossing the bay to the trial at Williamstown on the 16th, I saw the Shenandoah taking in coal from a ship alongside, and Mr. McFarlane, emigration [587] *officer, a fellow-passenger, informed me that she was taking in 200 tons of Scotch coal in addition to the amount she brought here.

On the 17th February I forwarded to the governor a dispatch calling his attention to the fact that the Shenandoah was a full-rigged sailing-vessel, steam being only auxiliary, and to the amount of coal she had upon her arrival here, and the quantity I learned she was taking on board in this port, a copy of which (No. 42) is herewith inclosed. The same day I learned that the remanded prisoner was also committed, and the four men held as witnesses to appear at the March term of the court.

On the 17th I forwarded a dispatch to the governor, calling his attention to the affidavits heretofore forwarded him, showing that some ten or twenty persons had been shipped on board said vessel while in this harbor; also notifying him that I had forwarded to the attorney general the solemn declaration of Michael Cashmore, (No. 43,) a highly respectable citizen, to the same purport; and that I had also left with the attorney general a solemn declaration of J. B. Lydserff (No. 44) in relation to the sale of prize chronometers in this port by the officers of said vessel, and protesting against the vessel being allowed to leave this port with said persons on board, a copy of which (No. 45) is herewith inclosed.

On the evening of the 17th of February Andrew Forbes came to the consulate with the information that several persons were then on the wharf ready to go on board a vessel to join the Sea King-Shenandoah beyond the jurisdiction of this port; that one of said persons, named James Evans, had told him. Deeming the information important, and that no time was to be lost, I, in company with Mr. S. P. Lord, who was then in the consulate, took said Forbes with us to the Crown law-officers to lodge the information, and was met by the Crown solicitor coming out. Upon my application to take the information, he in an offensive manner positively declined, saying he wanted his dinner; that there were plenty of magistrates in town; that it was none of his business. He informed me that the attorney general and minister of justice were in Parliament then in session. I then proceeded to the detective police office, and there was informed that if the affidavit of the man was taken before a county magistrate they would execute his warrant. I then went to Parliament House and called out Mr. Higinbotham, the attorney general, who said that if I would go to Mr. Sturt he would take the affidavit. I then went with witness to Mr. Sturt, more than a mile off, who declined to take it, and said the water police were the proper authorities to act. The water police are at Williamstown, across the bay, and about four miles from Mr. Sturt's. I then took the testimony which is No. 46 at my office, and dispatched it by Mr. Lord to the attorney general, and started with the witness to Williamstown; when the witness found he had to go among his acquaintances he was afraid of bodily harm, and refused to proceed.

During the night several persons endeavored to find me to give information of the shipment of men for said vessel. One Robbins, a master stevedore, found me at 11 o'clock p. m., and informed me that boat-loads of men with their luggage were leaving the wharf at Sandridge, and going directly on board said vessel, and that the ordinary police-boats were not to be seen in the bay. I informed said Robbins that Mr. Sturt, police magistrate, told me the water police were the proper persons to lodge any information with, and that he, as a good subject, was bound to inform them of any violation of law that came under his notice, which he promised to do.

On the morning of the 18th of February, at about 7 o'clock a. m., the said Shenandoah left her anchorage and proceeded to sea unmolested.

I forwarded to the governor the affidavit of said Forbes, (No. 46,) inclosed in a dispatch a copy of which is annexed, (No. 47.)

On this day I received a reply from the private secretary, dated the 17th of February, relating to the supply of coal, a copy of which (No. 48) is herewith inclosed.

I learned that the Shenandoah was inquiring for a pilot acquainted with the Australian waters, and I dispatched to the vice-consul at Hobart Town information to that effect, a copy of which is herewith inclosed, (No. 49.)

On the 18th of February the aforesaid Mr. Robbins called at the consulate and informed me that six boat-loads of men left the wharfs with their luggage during the previous night, and that they were taken on board said vessel through the propeller's hoist-hole. When asked to give his affidavit, he said, as the officials would take no notice, he would only injure his business by so doing, and he declined. He stated that about 70 men went on board of said vessel on the night of the 17th February, and that some of them took and used his boat to go in.

Captain Sears, of the American bark Mustang, was on the wharf watching, who informs me that he saw several boat-loads of men with luggage go to said vessel while lying in the bay, and that he also saw Robbins go to the police.

[588] *On the 20th I received a dispatch from the private secretary of the governor, dated same day, in answer to my dispatch of the 15th February, a copy of which (No. 50) is herewith inclosed.

On the 20th I requested, in writing, Mr. S. P. Lord to give me an account of my interview with the Crown solicitor referred to above. I inclose herewith a copy of said request, (No. 51,) as well as his answer thereto, (No. 52.)

On the 22d I received a dispatch from the private secretary's office, dated 21st February, in reply to my complaint of the 18th February alluded to above, a copy of which is herewith inclosed, (No. 53.)

In recapitulating the above, I leave the documents to speak for themselves, convinced that they will meet with the interpretation they deserve. It will be for you to consider whether the Sea King-Shenandoah was heartily and illegally recognized as a war-vessel of a belligerent power, coming as she did armed from one British port to another, with the marks of her identity still upon her, and allowed to depart again to renew her depredations on the commerce of a power friendly to Great Britain. It will be for you to consider whether the shipment of arms and ammunition in Liverpool on board the Laurel to be put on board the Sea King on the high seas, as borne out by the affidavits of Silvester and Jackson, is in accordance with international law and treaty obligations and Her Majesty's neutrality proclamation.

The department will not fail to perceive that with the sworn testimony of four persons before the authorities here to the effect that some ten or twenty persons were shipped in this harbor on board said vessel, and were rationed from her stores, and a part of them at least on duty on board in uniform, said vessel was nevertheless allowed to depart.

The attention of the department is especially called to the interview alluded to above at page 9 with the Crown law-officers, to the effect that if the said ship was found violating the neutrality proclamation in this port, they would take immediate action against her.

A dispatch from the Crown law-officers above referred to (No. 31) alludes to supporting a charge against certain persons and officers of the Shenandoah. The police examinations took place as stated on the 16th and 17th February instant, at which three men were committed for trial; and yet at the very time these commitments were being made, the officers who thus violated the neutrality of this port were on board the ship within a mile of the said court, unmolested, and the ship was allowed to take in the additional quantity of coal mentioned hereinbefore. A printed report of the investigations of the persons referred to, cut from the Melbourne Argus, is herewith inclosed, (No. 54.)

These commitments do not seem to have stimulated the authorities to vigilance in regard to the said ship; otherwise, boat-loads of men could not have joined her on the night of the 17th-18th instant, as stated above, and confirmed by the extracts taken from the three Melbourne daily papers of the 20th instant, herewith inclosed, and numbered 55.

What motives may have prompted the authorities, with evidence in their possession as to the shipment of large numbers of persons on board said vessel, substantiated by the capture and commitment of some escaping from said ship, to allow the said vessel to continue to enjoy the privileges of neutrality in coaling, provisioning, and departure with the affidavits and information lodged and not fully satisfied, I am at a loss to conceive. Was it not shown and proved that the neutrality was violated? And yet she was allowed her own way unmolested, thus enabling her to renew her violations of neutrality on a larger scale.

There are eyes that do not see and ears that do not hear, and I fear that this port is endowed with such a proportion of them as may be required to suit the occasion. For in what other way can my unsuccessful attempts to obtain the assistance of the authorities on the evening of the 17th instant be explained.

The immunities I enjoyed on this occasion as United States consul were of a peculiar nature; instead of being assisted by the authorities I was only baffled, and taught how certain proceedings could not be instituted.

I send by this mail a file of the Melbourne Argus, Age, and Herald, the three daily papers of this city, during the time of the stay of the "Shenandoah" in this port, a careful examination of which will be necessary to obtain a complete view of what transpired in this place in relation to said ship and her officers. I also send the Melbourne pictorial papers, giving a picture of said vessel and some of the scenes on board of her.

I herewith inclose (No. 62) extracts cut from said papers in support of some of my statements, which I deem essential to be read in connection with this dispatch, for fear the papers sent by mail may not arrive in time, among which will be found the correspondence between the officials here with the officers of said vessel.

I also forwarded to the governor of the colony affidavits of Edward P. Nichols, [589] *second mate of late bark Delphine, (No. 59;) of E. T. Lingo, steward on board late bark Delphine, (No. 60;) and of Mary Lingo, (No. 61,) stewardess on late Delphine.

I close by informing the Department that James Francis Maguire, late United States consul here, as far as I could see and learn, acted as consul for the vessel and her officers.

I have, &c.,
(Signed) WM. BLANCHARD.

[Inclosure 3 in No. 32.]

Mr. Blanchard to Mr. Adams.

MELBOURNE, *January* 26, 1865.

SIR: The mail to Europe being about to leave, I hasten to inform you that a confederate steamer named Shenandoah has made her appearance in this port this morning. I beg to inclose extracts of papers.

Some prisoners on board, who are now being liberated, give the following details respecting her:

She was the original Sea King; sailed from London on the 8th October, 1864, and received ammunition from a ship named Laurel at sea. Part of the name Sea King is still visible, and I shall obtain of these particular letters a photograph. She is represented to have been built at Glasgow, and water-buckets, spoons, forks, &c., are marked Sea King. She is a wooden ship with iron frame, but not plated. Her armament is eight guns, viz: 8-inch shell guns, two on each side, unrifled, weight about 2 tons 15 cwt.; guns bear number 11,522, 11,524, 11,525; these guns are not breech-loaders; two rifled guns, about 4-inch bore, one on each side; 2 ordinary 12-pounders, the original ship's guns.

She has the appearance of an ordinary merchant ship, with a long full poop, a large bright wheel-house, oval sky-lights on the poop. She has one telescope funnel. The mizzen topmast and topgallant staysail both hoist from the mainmast head. She is wire-rigged.

The officers declare it would not be safe to fire a broadside. It is the general impression that she is not a formidable vessel, She is leaky, and requires two hours pumping out. The crew consists of 79 all told.

I have, &c.,

(Signed) WM. BLANCHARD.

[Copy of the above also sent to the United States consul at Hong-Kong.]

[Inclosure 4 in No. 32.]

Protest of William Green Nichols.

I, the undersigned, William Green Nichols, of Searsport, United States, formerly captain of bark Delphine, of Bangor, Maine, United States, do hereby solemnly declare on oath:

Protest of master of Delphine.

That said bark was of 105 tons register.

That on the 12th October, 1864, she sailed from Gravesend, England, under my command, with a crew of fifteen, and two passengers, (wife and child.)

The said bark was bound for Akyab, with cargo of machinery, and that until the 29th December, 1864, nothing unusual occurred.

That on said 29th December last, latitude south 39° 30′, longitude east 69°, I was fallen in with by a ship showing English colors for about half an hour while approaching. I showed American colors in reply. The ship on approaching proved to be a steamer with a telescope funnel, under sail. She fired a blank shot, upon which I immediately hove to, she hoisting the confederate flag after firing the gun.

That immediately after the gun was fired the confederate flag was hoisted on said steamer, and on my ship Delphine being boarded, I was taken with my mate and ship's papers on board said steamer called Shenandoah.

That on examining said papers the captain of aforesaid steamer, James J. Waddell, declared the ship under my command as a prize, granted me permission to remove the wardrobe of myself and family, (consisting of wife and child,) but allowed me to take nothing else.

[590] * That the crew were allowed the same privileges, with the exception of their beds.

That I, my wife and child, were taken on board said steamer as prisoners, but paroled, whereas such part of crew as would not join the steamer were put in irons.

The above-named ship Delphine was then ransacked and set on fire by crew of said steamer.

That I declared to the captain of said steamer the value of ship Delphine as being about £3,500 sterling.

The outfit, loss of freight, and wages, which amount to about £3,000, were not included in above amount.

That immediately on being taken on board I was paroled, and on 23d instant a new parole was demanded from me in order to enable me to be released on reaching land.

That to-day, the 26th January, 1865, I was released in Hobson's Bay, under parole, which enjoins upon me not to give any information which might tend to the injury of the said steamer, or to the detriment of the so-called confederate cause.

That not for want of loyalty to the United States, but in consequence of wishing not to violate said parole, I decline divulging anything as to her armament, &c.

That the knives, forks, spoons, &c., in use of the said steamer, bore the mark Sea King, and I heard the captain say that she was formerly the Sea King; that he, with officers, took charge of her at Madeira, or the Isle of Deserta, and sailed with an original crew of seventeen men.

(Signed) WM. G. NICHOLS,
Late Master Bark Delphine, Bangor.

MELBOURNE, *January* 26, 1865.

Subscribed and sworn to before me, this 26th day of January, 1865.

(Signed) WM. BLANCHARD, *Consul.*

When making the statement to the value of the ship I thought that on account of having British property on board he might bond the ship and let her go, and I wished to have the bond as small as possible; not that I consider the amount above the value of the ship, neither do I include my private property on board, nor the property of the officers and crew.

(Signed) WM. G. NICHOLS,
Late Master Delphine.

(Signed) WM. BLANCHARD,
United States Consul.

[Inclosure 5 in No. 32.]

Mr. Francis to Mr. Blanchard.

CUSTOM-HOUSE, *Melbourne, January* 25, 1865.

Correspondence between governor and consul.

SIR: I am desired by his excellency the governor to inform you that an application has been made to land certain prisoners from the confederate steamer Shenandoah, now in this port, and I am to request that you will be good enough to inform me, for the information of Sir Charles Darling, whether you are willing to undertake to receive and provide for, on behalf of the government which you represent, the prisoners above referred to.

I am to request the favor of an early reply to this communication.

I have, &c.,
(Signed) JAS. G. FRANCIS,
Commissioner of Trade and Customs.

[Inclosure 6 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 26, 1865.

SIR: I have the honor to acknowledge the receipt of a dispatch from the honorable the commissioner of trade and customs, dated to-day, and, in reply, beg leave to acquaint your excellency that previous to its reaching me, at half-past 3 o'clock p. m., I had made provision for the master, crew, and passengers, already landed, of the United States bark Delphine, (the persons presumed to be referred to in said dispatch,) burned at sea by a piratical vessel called the Shenandoah, ex-Sea King.

I avail myself of this opportunity to call upon your excellency to cause the [591] said * Shenandoah, *alias* Sea King, to be seized for piratical acts, she not coming within Her Majesty's neutrality proclamation, never having entered a port of the so-called Confederate States of America, for the purpose of naturalization, and consequently not entitled to belligerent rights.

The table service, plate, &c., on board said vessel, bear the marks Sea King, and the captain should bring evidence to entitle him to belligerent rights.

I therefore protest against aid or comfort being extended to said piratical vessel in any of the ports of this colony.

I have, &c.,
(Signed) WILLIAM BLANCHARD.

[Inclosure 7 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 27, 1865.

SIR: The undersigned, consul of the United States of America at the port of Melbourne, begs most respectfully to call the attention of your excellency to the armed cruiser, referred to in his note of yesterday, now at anchor in Hobson's Bay, and reported to be a vessel of the so-styled Confederate States of America.

It must be evident to your excellency that notoriously all the presumption of fact and law are against the probabilities of the legal character of the vessel in question, and it is not necessary for the undersigned to more than suggest to your excellency the ease with which any lawless rover of the seas may assume any character designed to effect his purposes.

When in this case the actual circumstances are duly considered, having reference, on the one hand, to the present condition of the so-called Confederate States of America, and, on the other, to the frequent violations in Her Majesty's ports of the laws of neutrality, especially of the well-known facts proclaimed respecting this very vessel before her arrival, there would scarcely seem to remain a doubt as to her real character here, for the first time appearing in her new pretended nationality, coming from no where, bringing in no prizes, destroying, without adjudication and without necessity, all property seized, regardless of ownership, leaving inhumanly, and against the law of nations, large numbers of captives upon a desert island, having, in all parts of her, and in the remains of half-erased letters, numberless *indicia* of her genuine nationality, the undersigned will not doubt that, not only in the interest of justice and the safety of universal commerce upon the seas, but also in vindication of the honor and dignity of Her Majesty's government, (too long contemptuously disregarded by those who, seeking asylum under it, only abuse an honorable hospitality to violate its laws and insult its sovereignty,) your excellency will give so much weight, and no more, to a "bit of bunting" and "a shred of gold lace" as they deserve; that your excellency will well assure yourself that those presumptuously lawless men, audaciously entering this port upon pretenses of necessity, (always so easily made,) but really that information may be got and new enterprises hence successfully executed, be really what they claim, and truly entitled to the immunities secured to belligerents; that the commissions (if any) exhibited be genuine; the bearers thereof the persons authorized to bear them; their documents (if any) showing the characters of the vessels worthy of credence; and the acts committed, such as ought to receive the favorable countenance of a great and magnanimous power. In fine, whether the crew and vessel are lawfully entitled to the privileges accorded under the laws and by virtue of Her Majesty's proclamation to a real belligerent, or whether, on the contrary, the crew be not amenable to punishment and the vessel to seizure.

And never doubting the anxious desire of your excellency to maintain a strict neutrality, the undersigned feels assured that he will not be misunderstood, nor his conduct be deemed too officious, when the peculiar facts of this present case are duly considered. Now, for the first time, action by this government, in the nature of a precedent, is to be established respecting the status to be accorded to a vessel here first appearing and claiming a warlike character suddenly, without notice, under circumstances of the gravest suspicion. The undersigned will be pardoned if the gravity of the case, in his opinion, make him feel it to be his duty to urge upon your excellency the greatest caution that not upon mere assertion of so-called officers, but after the severest scrutiny, it should be determined if this vessel and crew are entitled to the rights of belligerents, or whether the vessel should not be detained until the facts can be duly investigated.

[592] *Wherefore the undersigned, relying upon the vigilance of your excellency in a case of so much and so pressing importance, protests against the said vessel called the Shenandoah, *alias* Sea King, her so-styled officers and crew; that from evidence already taken by him, as well as from facts patent and notorious to all, the legal presumptions are, in this case, against any just claims to the rights of belligerent; and that, in the instance of justice, commerce, the community of nations, and impartial observance of Her Majesty's proclamation of neutrality and of imperial law, this important right, here now under new and peculiar circumstances, in the case of this vessel, first sought to be established, be most rigidly examined, lest, under flimsy pretenses of necessity, the ports and coasts of Her Majesty's dominions be unguardedly thrown open to afford lawless and unauthorized marauders cover, and bases for new and piratical enterprises against the citizens of a friendly power, their lives and property; and not only so, enterprises fraught with danger to the interests of Her Majesty's subjects, and in direct encouragement of the most audacious violations of the laws of humanity and of nations, lest finally new claims and additional and serious complications unfor-

tunately arise between Her Majesty's government and the Government of the United States.

I have, &c.,
(Signed) WM. BLANCHARD.

[Inclosure 8 in No. 32.]

Mr. Tyler to Mr. Blanchard.

TOORAK, *January* 28, 1865.

SIR: I am directed by his excellency the governor to acquaint you that your letter of the 28th instant was immediately referred by his excellency for the consideration and opinion of the legal advisers of his government, and that the same course has been pursued with your letter of yesterday's date, protesting against the claims to the right of a belligerent of the vessel now lying in Hobson's Bay, called the Shenandoah.

His excellency will not fail to acquaint you with his decision after he shall have received the advice of the attorney general.

I have, &c.,
(Signed) C. J. TYLER,
For private secretary.

[Inclosure 9 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 28, 1865.

SIR: I am in receipt of a communication from C. J. Tyler, esq., your excellency's aid-de-camp, dated to-day, informing me that your excellency has submitted my dispatches of the 26th and 27th January instant to the consideration of your legal advisers, and that your excellency's decision, when made, will be forwarded to me.

Evidence being daily accumulating in this office in support of the reasons for the protests I had the honor to forward to your excellency, I now beg leave to call your attention specially to the following:

1. That the Sea King, *alias* Shenandoah, now in this port, and assuming to be a war-vessel of the so-styled Confederate States, is a British-built ship, and cleared from a British port as a merchantman, legally entering no port until her arrival here, where she assumes to be a war-vessel of the Confederate States; that any transfer of said vessel at sea is in violation of the law of nations, and does not change her nationality.
2. That inasmuch as Her Majesty's neutrality proclamation prohibits her subjects from supplying or furnishing any war material or ship to either belligerent, this vessel, having an origin as above, is not entitled to the privileges accorded to the belligerents by said proclamation.
3. That being a British-built merchant-ship, she cannot be converted into a war-vessel, upon the high seas, of the so-styled Confederate States, but only by proceeding to and sailing in such character from one of the ports of the so-styled confederacy.
4. That it is an established law that vessels are to be considered as under the flag of the nation where built, until legally transferred to another flag.
5. That said vessel sailed as an English merchant-ship from an English port, and cannot, until legally transferred, be considered as a man-of-war.
6. [593] *That not being legally a man-of-war, she is but a lawless pirate, dishonoring the flag under which her status is to be established, and under which she decoys her victims.
7. That her armament came also from Great Britain, in English vessels, (the Laurel and Sea King, now Shenandoah,) both of which cleared under British seal, or, if without it, in violation of established law.
8. That as such she has committed great depredations upon ships belonging to citizens of the United States, making her liable to seizure and detention, and the crew guilty of piracy.

I cannot close this without further protesting, in behalf of my Government, against the aid, and comfort, and refuge now being extended to the so-styled confederate cruiser Shenandoah in this port.

I have, &c.,
(Signed) WM. BLANCHARD.

[Inclosure 10 in No. 32.]

Mr. Blanchard to Mr. Leavenworth, United States consul at Sydney.

UNITED STATES CONSULATE,
Melbourne, January 28, 1865.

DEAR COLLEAGUE: You have been acquainted by telegraph of the appearance of a ship (screw-steamer) assuming the name Shenandoah, and claiming the right of belligerency from Victoria authorities.

I have forwarded to the governor, Sir Charles Darling, two dispatches respecting it, and beg to inclose copies of documents that have been exchanged between the authorities and the consulate, viz:

1. Dispatch of commissioner of trade and customs respecting prisoners to be provided for.
2. Reply to the above, and protest against granting any rights of belligerency.
3. Dispatch argumentative, aiming to prove that belligerent rights cannot be accorded.
4. Acknowledgment of receipt of above dispatches 2 and 3, showing that protests are under consideration.

Her Majesty's government being represented in Sydney by a governor, who is at the same time governor general of all Australian colonies, and commander of all Australian waters, thus overruling all other governors of Her Majesty's government in these dominions, I respectfully suggest to you the propriety and necessity of lodging a solemn protest, in support of my protest here, showing such reasons as you deem expedient to induce his excellency to issue orders in all colonies to seize said vessel as a pirate, and in no way to grant to her belligerent rights.

In stating that your governor is governor general, I have no authority just now at hand, (being in great haste, and mail closing,) to see that I am really right, and it is therefore for you to decide whether my intentions can be carried out.

You are thus acquainted with all the facts relating to this piratical craft, and to the grounds I have taken against her, &c.; and I rely upon your hearty and vigorous co-operation.

I have, &c.,
(Signed) WM. BLANCHARD.

[Inclosure 11 in No. 32.]

Mr. Tyler to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
Melbourne, January 30, 1865.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of the 28th instant, and to acquaint you that having fully considered the representations contained in that communication, and in your previous letters of the 26th and 27th instant, and advised with the Crown law-officers thereon, his excellency has come to the decision that whatever may be the previous history of the Shenandoah, the government of this colony is bound to treat her as a ship of war belonging to a belligerent power.

I have, &c.
(Signed) C. J. TYLER,
For private secretary.

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[594] *[Inclosure 12 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, January 30, 1865.

SIR: I have the honor to acknowledge the receipt of a dispatch signed C. J. Tyler, for private secretary, dated private secretary's office, January 30, 1865, informing me that after full consideration of my several dispatches, dated respectively the 26th, 27th, and 28th instant, and after advice of the Crown law-officers, your excellency has come to the decision that whatever may be the previous history of the Shenandoah, the government of this colony is bound to treat her as a ship of war belonging to a belligerent power.

As consul of, and on behalf and by authority of, the United States of America, I hereby solemnly protest against the decision of the government of Victoria, as communicated to me in the above-mentioned dispatch. And I further protest, as consul aforesaid, against the government of Victoria allowing the said piratical craft, Shenandoah, *alias* Sea King, to depart from this port, thus enabling her to renew her depredations upon shipping belonging to citizens of the United States of America. And I hereby notify your excellency that the United States Government will claim indemnity for the damages already done to its shipping by said vessel, and also which may hereafter be committed by said vessel Shenandoah, *alias* Sea King, upon the shipping of the United States of America, if allowed to depart from this port. That the said vessel is nothing more than a pirate, which the nation whose vessels she robs and destroys has a right to pursue, capture, or destroy in any port or harbor of the world.

I have, &c.,

(Signed) WM. BLANCHARD.

[Inclosure 13 in No. 32.]

Testimony of Lillias L. Nichols.

I, the undersigned, Lillias L. Nichols, wife of William Green Nichols, late master of the bark Delphine, on board of which I was passenger, do solemnly declare:

I was taken prisoner, together with my husband, and conveyed on board the Shenandoah, and have been kept on board until the vessel reached Hobson's Bay, when I was at liberty to leave.

While on board I noticed that the plate in use was engraven "Sea King;" and I have frequently been told by the captain and others on board that the vessel was formerly the Sea King, which sailed from London in October, having on board the first lieutenant of the Shenandoah. I was told by Mr. Bullock, the sailing-master, that the Laurel conveyed Captain Waddell and the other officers from England to the rendezvous with the Sea King off Madeira. I was also told by the captain that the armament which is now on board the Shenandoah was brought out from England in the hold of the Laurel, packed in boxes.

(Signed) LILLIAS L. NICHOLS.

Subscribed before me on this 1st day of February, 1865.

(Signed) WM. BLANCHARD,
United States Consul.

[Inclosure 14 in No. 32.]

Testimony of William Bruce.

I, William Bruce, at present of the city of Melbourne, in the colony of Victoria, make oath and say:

Deposition of seaman of Helena.

1. That I am a naturalized citizen of the United States of America, and reside at No. 316 Broadway, Williamsburg, New York State. On or about the 3d day of October, 1864, I shipped on board the bark Helena, Captain Staples, then lying in Newport dock, in the county of Monmouth, in that part of the United Kingdom of Great Britain and Ireland called Wales, as cook and steward.

2. That on or about the 4th day of October, in the year aforesaid, the said [595] bark *sailed from Newport aforesaid to Buenos Ayres, in the republic of Buenos Ayres, South America, laden with a cargo of railway iron and other sundries, under the command of the said Captain Staples.

3. That the said bark Helena was an American ship belonging to Searsport, Maine, United States of America.

4. That no incident of importance occurred in the said voyage until on or about the 29th day of October, 1864, when the said bark was within three days' sail of Madeira, a steamer hove in sight, and I reported the fact to Captain Staples; and about two hours afterward I was enabled with my naked eye to see that she was a steamer flying English colors.

5. That on the following day the same steamer, at about half-past 1 o'clock in the afternoon, under steam and flying the English flag, came on our lee quarter; and on the said bark displaying the colors of the United States of America, the said steamer fired a blank shot toward the said bark, and hoisted the flag of the so-called Confederate States of America.

6. That the said bark was thereupon hove to, and a boat left the said steamer with eight persons therein, including three persons who represented themselves as officers

of the said steamer, who came on board the said bark and ordered the said Captain Staples and the chief officer, Mr. Peterson, in my hearing, to take the papers of the said bark with them and go on board the said steamer, and to look sharp, because another sail was in sight; and that they, the said captain and chief officer, were prisoners of war, and that the said bark was a prize to the confederate ship Shenandoah; and thereupon the said Captain Staples and chief officer Peterson left the said bark in the said boat, in charge of one Hunt, the master's mate, on board the said steamer called Shenandoah, and proceeded on board the said steamer—two others, namely, Bullock, sailing-master, and Mason, passed-midshipman, representing themselves as of the aforesaid ranks on board the said steamer Shenandoah, remaining on board the said bark and ordered the crew of said bark to lower away the sails, which they did, and after the expiration of about half an hour, the said Captain Staples and chief officer left the said steamer in the said boat under the charge of the said Hunt, accompanied by another boat with about eight persons (among whom was the carpenter of the said steamer Shenandoah, who told me his name was O'Shea, and that he was a citizen of New York, United States of America,) and came on board the said bark; and the said Bullock gave orders to the crew of the said bark to pack up their clothes and go on board the Shenandoah, meaning the said steamer, and told me to take all my cooking-gear on board the said steamer.

7. That in pursuance of the said order the said crew and myself went on board the said steamer in one of her boats, (the said Captain Staples and chief officer Peterson having been previously sent on board;) and on getting on board the said steamer were ordered to give up our clothes, which we did.

8. That after going on board the said steamer, I and Louis Monrose and Peter Monrose, two of the crew of the said bark, were ordered by the said Bullock again to go on board the said bark and break open the stores of the said bark, which we did, and the said stores, and also some slop clothes, and the said bark's instruments, were put on board the said steamer; and the said O'Shea, the carpenter of the said steamer, ordered the said Louis and Peter Monrose to assist him in scuttling the said bark; and I saw the said parties go down the hold taking augers with them, and make holes in the said bark with said augers; and that after they had done so, I and the said Louis Monrose and Peter Monrose were ordered to leave the said bark and go on board the said steamer; and when I got to the gangway I was asked by the paymaster of the said steamer, one Smith, in the presence of the said Captain Staples, if I would join the said Shenandoah as ship's cook, and he told me that one of my shipmates had already joined, and that it would be better for me to join; and I thereupon told him that I would not join, as I wished to go to Melbourne to see my mother, to which he replied, "Pity you are not in your mother's arms;" and about half an hour after I had been on board the said steamer, I saw the said bark sink; and in that night I was put in irons, and on the following day, namely, on or about the 31st day of October, 1864, the captain of the said steamer Shenandoah, one Waddell, said to me, "You might as well make up your mind to join;" to which I replied that I had no idea of joining. And the said Waddell thereupon said to me that if I would join he would put me in ten months' time wherever I wanted; and I again refused to join, when the said Waddell said, "You will be sorry for it."

9. That on or about the 1st day of November, 1864, one Whittle, the first lieutenant of the said steamer, said to me, "Have you made up your mind to join?" [596] To which I replied that I had not; and thereupon said, "You will be sorry for it, and you will be put in irons at night and made to work all day;" and in consequence of my again refusing to join I was sent to work in the galley with the ward-room cook of the said steamer, and at night was put in irons.

10. That on or about the 3d of November, 1864, I was ordered to continue assisting the ward-room cook, and continued assisting him until or about the said 10th day of November, 1864. I was called by the said Whittle aft, and he then said to me, "Steward, you might as well join; it will be better for you;" and I thereupon, in consequence of being ironed every night, made work during the day, and pushed about and abused by the crew and officers, consented to join and subscribed a document agreeing to serve as ward-room steward, and I acted as ward-room steward on board the said steamer thereafter until the 1st of January, 1865, when, in consequence of being sick, I was left off duty, and remained off duty until the said steamer Shenandoah arrived at Hobson's Bay on the 25th day of January; and on the 28th January, 1865, I left the said steamer, and placed myself under the protection of the consul of the United States of America at Melbourne.

11. That during the time I was on board the said steamer Shenandoah I was told by the ward-room cook (one Marlow, a native of the Isle of Man,) that he shipped on board the Laurel steamer from the Sailors' Home, Liverpool, to go to Nassau, and that when he came to a bay at the back of Madeira, where the Laurel went to look for the steamer Sea King, and after three days' looking for her the Sea King arrived and made signals to the Laurel, and the two steamers came together, and with the help of some ashermen the ammunition was put on board the Sea King from the Laurel, and that the

Sea King then went to the back of Deserta Island, and the Laurel went to the front of the island, and was chased by a vessel of war of the United States of America, and the Sea King sailed away in another direction, and that her name was then changed to the Shenandoah.

That I heard the fireman of the said steamer Shenandoah, one Jackson, a native of Liverpool, say that he came out on the Laurel together with Simpson, a native of Ireland; William ———, a native of Birkenhead; Jim, the ward-room boy, a native of Liverpool; Bay Jones, steerage steward, a native of London; Lou Wester, fireman, a native of London; also another man, a native of London, called Cockney, to join the Shenandoah steamer; and all the said parties at different times told me that they left Liverpool to join the ship Sea King.

12. That one ——— Guy, the gunner of said steamer Shenandoah, and a native of Plymouth, or somewhere in the west of England, told the mate of the schooner Lizzie M. Stacy, taken as a prize in my presence, that he shipped at London in the Laurel steamer to come out and join the Sea King steamer.

13. That among the officers and crew of the Shenandoah are the following persons, viz: O'Brien, head engineer; ———, third engineer; Jim ———, the fourth engineer; Simpson, sail-maker; Jim ———, boatswain's mate; Crawford, gunner's mate; Bullock, sailing master, whom I have heard at different times remark, "that we did not do so (referring at different times to the working of the guns) on board the Alabama."

14. That the said Simpson told me he was on board the Alabama at the time of her engagement with the Kearsarge, United States ship of war, and that he was a paroled prisoner.

15. That at the time I was first taken on board the Shenandoah, I saw the bell of the said steamer marked or cut with the words Sea King, and also the stanchions had the words Sea King cut on them, and the words were subsequently filed out of the bell and scraped off the stanchions, and the table services and cloths of the said steamer were marked with the words Sea King up to the time I left her in Hobson's Bay as aforesaid.

16. That after I was taken on board the said steamer Shenandoah, the following vessels were captured, namely, the Charter Oak, on or about the 5th day of November, 1864; the Lizzie M. Stacy, schooner; De Godfrey, bark; Susan, brig; Kate Prince, ship; Edward, bark; and Delphine, bark; and all the said vessels, with the exception of the Kate Prince, were either burned or sunk.

17. That a number of persons taken as prisoners, amounting in all to twenty-five, were, on or about the 12th day of December, 1864, landed by the said steamer Shenandoah at Tristan d'Acunha, an island in the Atlantic Ocean, and there left by the said steamer.

(Signed) WILLIAM BRUCE.

[597] *Sworn at the city of Melbourne, in the colony of Victoria, this 7th day of February, in the year of our Lord 1865, before me,

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 15 in No. 32.]

Testimony of John H. Colby.

I, John H. Colby, of Liberty, Maine, United States America, do solemnly declare and say:

Deposition of J. H. Colby.

That I shipped in Boston, Massachusetts, on board the schooner Lizzie M. Stacy, bound for Honolulu, and sailed in said vessel on the 4th day of October, 1864; that on or about the 13th day of November, 1864, the said schooner was hove to by a blank shot from a steamship under both steam and sails; that I with the rest of the crew was ordered to pack up my things immediately and go on board said steam-vessel, by order of a person in uniform, who I afterward found was acting as second lieutenant of said steam-vessel; said lieutenant said that I was a prisoner of the Confederate States; that I with the rest of the crew was then put on board of said steam-vessel; that I asked said officer before leaving the schooner what was the name of said war-vessel; that said officer replied, "name unknown;" that upon being taken on board said steamer I was put in irons for the night, and the next morning released, and they tried to force me to work, but I resisted; the first lieutenant then ordered me to be triced up by the thumbs, and by these and other coercive measures I was in time compelled to join the vessel in order to relieve myself from tortures and punishments; that I saw the name Sea King upon the bell, the wheel, the buckets, &c.; the name upon the wheel was afterward ground out, I turning the grindstone for that purpose; that the bell was taken by a person acting as carpenter's mate to the engine-room, and the name was there filed out; that if the bell and wheel were now examined, it would be clearly evident that a name on each had thus been erased; that I served on board the said vessel until her arrival in Hobson's Bay on the 25th of January, 1865; that I came ashore on liberty on Monday the 30th of January, 1865; that while on board I learned the said vessel was called the Shenandoah.

(Signed) JOHN H. COLBY.

Sworn in duplicate before me, this 2d day of February, 1865.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 16 in No. 32.]

Mr. Duffett to the attorney general, Melbourne.

MELBOURNE, 83 COLLINS STREET, WEST,
February 3, 1865.

SIR: On Monday, the 2d instant, I attended at your chambers with Mr. Blanchard, the American consul, and left certain depositions (which he had caused to be taken) with your secretary, Mr. Chomley, for your perusal, with the view to establish that the Shenandoah is in fact the Sea King, &c.

Mr. Blanchard considered it to be his duty to place the depositions above referred to in your hands, so as to enable the government to take such steps in the matter as they may think necessary.

Mr. Blanchard has instructed me to state that he will, on hearing from you, be happy to attend you with the further evidence he has obtained in this matter.

I have, &c.,
(Signed) JOSEPH G. DUFFETT.

[Inclosure 17 in No. 32.]

Mr. Chomley to Mr. Duffett.

CROWN LAW-OFFICES, *Melbourne, February* 4, 1865.

SIR: I am directed by the attorney general to acknowledge the receipt of your letter of the 3d instant, and to inform you that he has received and read the deposi- [598] tions in *reference to the Shenandoah, and if Mr. Blanchard desires to see him, he will be glad to receive him on Monday next, at 12 o'clock noon, at these offices.

I have, &c.,
(Signed) A. W. CHOMLEY, *Secretary.*

[Inclosure 18 in No. 32.]

Mr. Duffett to Mr. Blanchard.

83 COLLINS STREET, WEST, *February* 4, 1865.

DEAR SIR: The attorney general has written me stating that he will be happy to see you on Monday next, at 12 o'clock, at the Crown law-offices.

Yours faithfully,
(Signed) JOSEPH G. DUFFETT.

[Inclosure 19 in No. 32.]

Testimony of George Sylvester.

I, George Silvester, at present of the city of Melbourne, in the colony of Victoria able seaman, make oath and say:

Deposition of seamen of Laurel.

1. That I am a native of London, England.

2. That on the 5th day of October, 1864, I signed articles as a seaman to proceed to Nassau or the Gulf of Mexico in the steamer Laurel, and on the following

day I went on board the said steamer Laurel, then lying in the dock at Liverpool, and on the same day the said steamer Laurel went into the River Mersey, and while there I saw several cases on board as cargo, which I subsequently saw opened.

3. That on the 8th day of October, 1864, at about 3 o'clock in the afternoon, (the said steamer Laurel then being in the Mersey,) I assisted in taking on board 57 barrels of gunpowder, which were stowed in the said steamer Laurel, and after the said gunpowder was put on board a steam-tug came alongside, bringing with her all of the officers and some of the crew that were on board the steamship Shenandoah at the time of her arrival at Hobson's Bay, (except the first lieutenant,) who then came on board the said steamer Laurel, as passengers, and the same night two steam-tugs came alongside the said steamer Laurel, and from them were put on board her a number of large cases which I subsequently saw opened, and also shot and shell.

4. That I assisted in storing the gunpowder put on board as aforesaid, and then saw several cases on board the said steamer Laurel, which I believe were put on board in dock, and which I subsequently saw opened on the Sea King steamer off Madeira, and cannon taken out of them.

5. That on the 9th day of October, 1864, the said steamer Laurel sailed from the Mersey, and on the 14th of the said month arrived at Madeira, where she took in coal and remained there for three days, when on or about the 18th of the said month a steamer came in and signalized the Laurel.

6. That the said steamer Laurel hove her anchor and followed the said steamer, at the same time signalizing to stand in for, as I recollect, Funchal, which the said steamer did, and at about 3 o'clock in the afternoon the said steamer and the Laurel steamer were alongside each other, and I then saw that the said steamer was a steamer called the Sea King.

7. That at this time both vessels were flying the English flag, and the Sea King anchored, and the Laurel fastened to her, and both hauled down their flags, and Waddell and all the officers brought out in the Laurel steamer went on board the said steamer Sea King, and took charge of her, and the Laurel's cargo was then transferred to the said Sea King steamer, the last of which was put on board on the morning of the 19th day of October, 1864, the crew having worked all night, when the confederate flag was hoisted on board the said Sea King steamer, and the said Waddell, (who now commands the Shenandoah,) then asked the original crew of the said Sea King to enlist for a cruise on board the Sea King, (the captain who brought out the said steamer Sea King having, as soon as the Laurel's cargo was transferred, gone on board the Laurel,) which they refused to do, with the exception of four, namely, Martin, storekeeper; Hutchinson, engineer; W. Clark, coal passer; Jones, engineer, steward, who enlisted with the said Waddell, and went on board the said Sea King, and [599] *the said Waddell also enlisted several from among the crew of the steamer Laurel, and to such as joined paid them £15 sterling as bounty, and agreed to give them (the sailors) £6 sterling per month for wages, independent of prize-money.

8. That the said Waddell said in my hearing "that he was going to wage war with the Federals," and subsequently proceeded to sea; the crew of the Sea King who did not join being put on board the Laurel.

9. That I saw the words Sea King on the buckets of the said steamer Sea King, on the life-buoys, on two bells on board, on the wheel and stanchions, and on the harness-casks, when I joined her as aforesaid, and I heard that the steamer Sea King was to be called the Shenandoah, and at different times on the cruise the said words Sea King were painted over on the boats, and were erased at different times from the said other parts.

10. That the steamship Shenandoah, now in Hobson's Bay, Victoria, is the steamer Sea King I joined as aforesaid.

11. That the bolts now used for fastening the guns of the Shenandoah were brought out by and transferred from the Laurel steamer to the Sea King.

12. That the said cases put on board the Laurel steamer, and by her transferred to the Sea King steamer, off Madeira, as aforesaid, were afterward opened on board the Sea King steamer, at this time called the Shenandoah, and cannon taken out therefrom; also carriages, upon which they were mounted, and put on deck of the said steamer Shenandoah, and are now there, and from others of the said cases shot and shell were taken and stored on board the said steamer Shenandoah.

13. That the said gunpowder brought out by the Laurel steamer was put on board the Sea King steamer, afterward called the Shenandoah, as aforesaid.

14. That on the said cruise we fell in, on the 29th day of October, 1864, with the bark Alina, (with railway-iron,) which was scuttled, and afterward with the schooner Charter Oak, which was burned; the bark De Godfrey, which was also burned; the brig Susan, which was scuttled; the ship Kate Prince, which was bonded; the bark Adelaide, which was bonded; the schooner Lizzie M. Stacey, which was burned; the whaling vessel Edward, which was burned; and the bark Delphine which was burned.

15. That at the time the Sea King was left by the Laurel, her whole crew, including officers, numbered twenty-three.

16. That the several seamen who joined the Shenandoah from prizes, did so in order to avoid punishment.
17. That I am a naturalized citizen of the United States of America.
18. That when I first went on board the Sea King steamer from the Laurel there were two guns then on board of her mounted, which were guns throwing about a 16, lb. shot, and with these guns all the captures made by the Shenandoah were made.
19. That the said two guns were not brought out in the Laurel.

(Signed) GEORGE SILVESTER.

Sworn at the city of Melbourne, in the colony of Victoria, this 16th day of February, 1865, before me,

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 20 in No. 32.]

Testimony of Edward S. Jones.

I, Edward S. Jones, at present of the city of Melbourne, in the colony of Victoria, officer, do solemnly and sincerely declare—

Deposition of seaman of Delphine.

That I am a native of Gloucester, Essex County, Massachusetts, United States.

That on the first October, 1864, I engaged as chief officer of the United States bark Delphine, of Bangor, Maine, then lying in the Victoria dock, London.

That on the 12th October, 1864, said bark sailed for Akyab, with machinery on board, and that up to the 29th December, 1864, nothing unusual occurred.

That on the 29th December a sail was descried about 10 a. m. ahead, and that, coming up with her by about 3 o'clock in the afternoon of the same day, I saw above alluded to vessel flying the English flag, when the bark Delphine continued her usual course, showing the United States flag. The vessel in question then hauled down her flag, and hauled to wind, as we supposed to speak us. She had no suspicious pennant about her, but I was then able to see that she was a steamer; said vessel subsequently [600] *hoisted the confederate flag, and fired a blank shot, whereupon the Delphine hove to. A boat from said vessel, with five men and two officers, named Bullock and Minor, all well armed, boarded the bark Delphine. Bullock spoke to Captain Nichols, the captain took ship's papers, and at the request of said Bullock, Captain Nichols went on board the said vessel, where I was requested by said Bullock to accompany him. The boat of said vessel transferred us from said vessel, which we were told was the Shenandoah; Captain Nichols was ordered in the cabin, whereas I stopped on deck. Soon afterward Captain Nichols came from cabin, and told me the captain of Shenandoah had condemned his vessel, (Delphine) and that the said captain ordered him to proceed on board her, in order to bring off his (Captain Nichols) wife and child, as well as clothing. The first lieutenant of the said Shenandoah, Mr. Whittle, told me he had orders from his captain not to allow me to proceed again on board bark Delphine. Captain Nichols soon afterward arrived on board the Shenandoah, accompanied by his wife and child, and they brought also their clothes. Upon Captain Nichols's return to the Shenandoah, I was allowed to go to the bark Delphine, and immediately on reaching her, Bullock asked me to assist in setting fire to her, which I positively refused. The crew of said Shenandoah removed several boatloads of stores, in which the crew of the Delphine were made to assist. At about 10 o'clock in the evening I left the Delphine, and saw her set on fire by Bullock and a man Simpson. I did not see her sink. The paymaster of the Shenandoah told me I was a prisoner of war, and made me sign a parole.

That while on board of the Shenandoah I noticed three boats, all buckets, all lifebuoys, and many knives and forks bore the mark Sea King, and I was told by Mr Bullock, sailing-master, Cotton, master's mate, Hutchinson, third engineer, Minor, master's mate, and the carpenter, O'Shea, that the Sea King was her name previous to her being changed into Shenandoah. I have heard repeatedly all the officers say, with the exception of Mr. Whittle, that they came out from Liverpool in the Laurel to join this ship, meaning the Sea King, of London. I heard said officers also say that the guns and ammunition came out in the Laurel, and that it was a pre-arranged plan to meet the Sea King, and proceed on a cruise. I also heard said officers state that the guns on the Shenandoah, as well as the ammunition, were transshipped from the Laurel on the Shenandoah off Madeira. I also heard them say that the Laurel awaited the Sea King at Madeira for some days, and that, on the Sea King rounding a certain point, she was cheered by the crew and passengers of the Laurel; that the two ships signaled to each other, and that the Sea King, without coming to anchor, proceeded out again to sea, and was soon afterward followed by the Laurel. I heard Mr. Hunt, master's mate, say that the Sea King was bought in London for the confederate government for a sum, to the best of my recollection, of £45,000, (say forty-five thousand pounds.) I heard third engineer say that he shipped in her in London for Bombay. The carpenter of the Shenandoah, Mr. O'Sheah, told me that when he went on board the Shenandoah, she had no bolts to lash the guns, but that the bolts now serving, and which were made for that purpose, came with the Laurel from Liverpool, and that he fixed them. The reason why I was not confined was, because the captain was in hopes that I would join his ship. The first day of my stay in the Shenandoah, the first officer, one Whittle, wanted to put me in irons, whereupon Captain Waddell told him not to do so, as I might probably volunteer to become one of the ship, as he liked my broad shoulders. I was frequently offered to join the ship, and promised $75 a month, payable in gold, if I did so.

That two days before arriving in Hobson's Bay, I had to sign, in duress, a parole, and on reaching Melbourne placed myself under the protection of the United States consulate.

(Signed) EDWARD S. JONES,
First Mate late bark Delphine.

Subscribed and sworn to in duplicate before me this 6th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

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[601] [*Inclosure 21 in No. 32.]

Testimony of James Ford.

I, the undersigned, James Ford, of New York, United States of America, now residing in Melbourne, hereby declare—

Deposition of seaman of Susan

That during the month of June, 1864, I shipped on board the United States brig Susan, at Philadelphia, as a seaman, and remained on board her up to the time of her capture by the so-called confederate steamer Shenandoah.

That said ship Susan sailed on the 26th September, 1864, from Cardiff, bound for Rio Grande, under Captain Hansom.

That nothing unusual occurred on said ship until the 10th November, when we sighted a sail ahead of us at about half past 3 o'clock a. m., making an eastward course. At about half-past 5 o'clock same day I was told by one of the crew below that the vessel we sighted before was running up astern. I then went on deck and saw said ship running toward us, flying the English flag; thereupon the captain gave orders to hoist our flag, after which the said vesselfired a blank shot, and hoisted the confederate flag. Not heaving to immediately, a second blank shot was fired, whereupon the said ship Susan hove to.

A boat with five men arrived, with two officers named Chew and Brown, boarded us, and took the captain and first mate on board the Shenandoah, one officer accompanying them, whereas the other took possession and command of the said vessel Susan.

The same boat, accompanied by another, again came to the said ship Susan with about ten men, armed; they lowered the boat to the ship Susan, and ordered the crew to put their clothing, allowing only one bag per man, on board said boat.

The crew from the Shenandoah then took such stores from the Susan as they thought most desirable, and made crew of Susan give assistance in taking stores off. I was asked on board the Susan to join the crew of the Shenandoah, which I declined.

The crew from the Shenandoah then scuttled ship Susan, as I heard them knocking off planks in the hold. I, with others, then went on board the Shenandoah, and was again asked by officers and crew to join the ship, which I did, being unwell at the time. I then signed the articles for a cruise; the mate and second mate, who would not join, were put in irons, whereas the captain was left at liberty.

When on board the Shenandoah I noticed that two 12-pounder guns, the bell, the wheel, and some buckets bore the marks Sea King, and on the bow I noticed the letters "I N G." That while sailing I was told by Warren, boatswain's mate, to assist in taking down the bell, which I did, and it was taken in the engineer's room. Subsequently, I noticed the said bell hung up, but the name Sea King erased, and the marks of files or some instrument of that description were visible when I landed. The name Sea King was also erased or taken off from the guns and wheel, all of which bear marks to that effect.

That I overheard frequent conversations to the effect that the Laurel and Sea King met at Madeira, arriving to a pre-arranged plan, the former having ammunition, arms, and officers and crew on board for the latter. I cannot swear to the parties I overheard telling above.

That out of a crew of about fifty sailors (officers excluded) no more than four or six born or naturalized Americans were on board, the majority of the others being of British origin. That the above four to six born or naturalized Americans were captured prisoners, and, in preference to torture, enlisted, but that the original crew of sailors is of entirely foreign descent.

That about twenty-eight men were landed on the island Tristan d'Acunha.

That while I was on board the Shenandoah she captured ship Kate Prince, bark Adelaide, schooner Lizzie M. Stacey, bark Edward, and bark Delphine; and in all instances she proceeded in the same way, viz, in signaling to any ship she first hoisted the English flag; upon being replied by the United States flag, she invariably lowered it, approached the decoyed prey, hoisted a confederate flag, and fired a gun to make the ship heave to.

That on arriving in Hobson's Bay I desired to get rid of my impressment, and placed myself under the protection of the United States consul.

(Signed) JAMES FORD.

MELBOURNE, *February*, 1865.

[602] *Subscribed and sworn to in duplicate before me this 2d day of February, 1865 as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 22 in No. 32.]

Testimony of George R. Brackett.

I, George R. Brackett, at present of the city of Melbourne, in the colony of Victoria, able seaman, do solemnly and sincerely declare:

That I am a native of Rocklane, Maine, in the United States of America. Depositions.

That on the 5th day of October, 1864, I shipped at Boston on board the bark De Godfrey, of Boston, United States of America, whereof ——— Hallett was captain, for a voyage to Valparaiso.

That on the 6th day of October, 1864, the said bark, under the command of the said Hallett, proceeded on her voyage to Valparaiso, laden with a cargo of general merchandise; and no particular incident took place on the said voyage until about 8 o'clock in the morning of the 7th November, 1864, when we sighted a sail astern, which continued to gain on the said bark, and about 2 o'clock, when I was at the wheel of said bark, I saw that the sail was a steamer, and that she was getting up steam; and about half-past 3 o'clock in the afternoon I saw the said steamer hoist the English flag; and about ten minutes to 4 o'clock in the said afternoon the captain of the said bark De Godfrey gave orders to the mate, Mr. Taylor, to hoist the flag of the United States of America, which was done, and the said steamer thereupon hauled down the English flag and hoisted the flag of the so-called Confederate States of America, and fired a blank shot toward the said bark; and, in pursuance of an order given by the captain of the said bark, she was hove to, and the said steamer lowered a boat containing three persons, viz, Bullock, sailing-master; Scales, fifth lieutenant; Hunt, midshipman, who represented themselves of the aforesaid ranks on board the said steamer, and five men, who being well armed, came on board said bark. And the said Bullock said to the said Captain Hallett and the mate, Mr. Taylor, in my hearing, "Take your papers and go on board the Shenandoah; you are prisoners of war, and your vessel is a prize to the confederate steamship Shenandoah." And the said Hallett and the said mate were then taken on board the said steamer by the said Scales and five men, the said Bullock and Hunt remaining on board the said bark, and gave orders to clew up the sails, which was done.

That in about half an hour the said Captain Hallett and mate, Mr. Taylor, left the said steamer in charge of the said Mr. Scales in the said boat containing five men, accompanied by another boat containing seven persons, all armed, and all the said parties came on board the said bark. And the said Bullock then gave orders to the crew of the said bark to break open the stores and put them in a boat, together with our clothing, and to go on board of the Shenandoah, which we did; and on getting on board the said steamer I saw a fire break out in the said bark, which continued burning until, about half-past 11 o'clock that night, all sight was lost, the said steamer after the said fire broke out having steamed away.

That on my proceeding on board the said steamer aforesaid, Whittle, who said he was first lieutenant of the said steamer Shenandoah, asked me to join the said steamer, which I refused to do; and he then said to me, "You will fare worse," to which I made no reply, and was then ordered to the other side of the deck, where I went; and afterward the said Whittle, Bullock, and Grimble (second lieutenant on board the said steamer) came over, and the said Whittle then asked the rest of the crew of the said bark who were with me, and myself, if we were going to sign, to which we all replied "No." And the said Bullock then said, "Don't you calculate to sign?" To which we all replied again, "No." And then the said Whittle said, "I will give you two hours and a half to make up your minds, and if you don't sign then I will put you in double irons, and put you in the fire-room before the furnace on the coals every night, and I will keep you four months if you don't sign, and make you work every day."

That at the expiration of the said two hours and a half Bullock came to us, and asked if we had made up our minds to sign, and, in reply, I declined again; but eventually, on his holding out threats of punishment, I and John Davy, William West, Walter Madden, and George Hord, being the crew of the said bark, consented to and did sign, agreeing to serve as seamen on board the said steamer Shenandoah for six months.

[603] *That when I went on board the said steamer I saw the bell was marked or cut with the words Sea King, and about fourteen days afterward I was ordered by Howard, the boatswain of the said steamer, to assist in taking down the bell, which was taken down, and three days subsequently I was ordered to assist in putting it back in its place, and I noticed that the words Sea King were taken off; and I was also, about two days before, ordered to scrape off the said harness cask the said words Sea King, which I did, and also, subsequently, saw that the said words Sea King were erased from the guns, two 12-pounders.

That I also noticed a brass plate on said steamer, fixed between the two cabin doors, marked or cut with the words "Built by A. S. Stephens & Sons, Glasgow," and that the after-part of the main hatch-combings was marked or cut with the figures and words "790 tons," also the year the said steamer was built, which I now forget:

That while I was on board the said steamer the said Bullock Smith, paymaster of the said steamer; the said Howard Crawford, gunner's mate; Simson, cockswain of the captain's gig of said steamer, and Bowman, chief boatswain's mate, at different times told me they were on board the Alabama steamer (sunk some time since by the Kearsarge, United States vessel of war,) and that they were sunk in her.

That while I was on board the said steamer the following vessels were captured, viz: the brig Susan, ship Kate Prince, bark Adelaide, schooner Lizzie M. Stacy, bark Edward, and the bark Delphine, and all the said vessels, except the Kate Prince, and the bark Adelaide, were burned or sunk. That Waddell is captain of the said steamer Shenandoah, and, with the exception of the officers of the said steamer, during the whole time I was on board, out of about thirty-five, making the crew of the said steamer, there were only four Americans on board; all the rest of the crew being English, Irish, Dutch, Swedes, and Norwegians.

That on the said steamer arriving in Hobson's Bay, Victoria, I got liberty to go on shore, and, on getting on shore, placed myself under the protection of the consul of the United States of America.

(Signed) GEORGE R. BRACKETT.

Subscribed and sworn to, in duplicate, before me, this 3d day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 23 in No. 32.]

Testimony of Carl Bollin.

I, Carl Bollin, of Stockholm, Sweden, do solemnly declare:

That I shipped on board Delphine in London, for a voyage to Akyab, on the 5th October, 1864, and we sailed on the 9th of the same month.

That on the 29th December, 1864, we were captured by an armed vessel called the Shenandoah and taken on board and left in irons ten days, when I consented to work. I signed a parole before proceeding to do so, and on our arrival in Hobson's Bay was released, and placed myself under the protection of the American consul at the port of Melbourne.

That while on board one of the men told me he left the steamer Laurel off Madeira, and joined her; at that time she was the Sea King.

(Signed) CARL BOLLIN.

Subscribed and sworn to, in duplicate, before me, this 4th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 24 in No. 32.]

Testimony of John Sandall.

I, John Sandall, of Stockholm, Sweden, hereby solemnly declare:

That on the 5th October, 1864, I signed articles for a voyage on board bark Delphine in London, to proceed on a voyage to Akyab, and sailed in her on the 9th October. Nothing unusual occurred until the 29th December, when she was captured by an [604] *armed vessel called Shenandoah. On taking us on board they kept me in irons ten days, after which I consented to go to work rather than be kept in irons. I remained on board working with the crew until her arrival in Hobson's Bay, when I was released, and placed myself under the protection of the American consul.

That while on board I had conversations with some of the men, who told me she was the Sea King, and that they joined her off Maderia, sailing in the Laurel from Liverpool to do so. I also noticed the letters "ING" on head-board; also a spoon marked Sea King.

(Signed) JOHN SANDALL.

Subscribed and sworn to, in duplicate, before me, this 4th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 25 in No. 32.]

Testimony of William Scott.

I, William Scott, of Gothenburg, Sweden, but now residing in Melbourne, Australia, do solemnly declare:

That on the 5th October, 1864, I signed articles to proceed on a voyage to Akyab in bark Delphine as carpenter, and on the 9th of October we sailed from the port of London.

That nothing unusual took place until the 29th December following, when we were captured by an armed vessel, at first showing the English ensign, and after firing a gun she displayed a flag of the so-called Confederate States of America.

That I with the rest of the crew were taken on board said vessel called Shenandoah and asked to join, which I refused to do. I was then placed in irons and told I would be kept there for three or four months unless I would work for them. At the end of ten days I consented to work, and was released on signing a parole, and remained on board until her arrival in Hobson's Bay, when I was released and placed myself under the protection of the American consul at this port.

That during my stay on board I noticed the letters "ING" on part of her head-board; also a spoon marked Sea King, and saw that the buckets had had a name scraped off them.

(Signed) WILLIAM SCOTT.

Subscribed and sworn to, in duplicate, before me, this 4th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 26 in No. 32.]

Testimony of Frederick Lindborg.

I, Frederick Lindborg, of Sweden, but now residing in Melbourne, Australia, do solemnly declare and say:

That I shipped on the 5th October, 1864, on board the bark Delphine, as a seaman, in London, bound to Akyab. Nothing unusual occurred until the 29th December, 1864. That on the said 29th December a sail was sighted about 9 o'clock in the morning, which we gradually neared. That when about three miles distant she hoisted the English flag; the American flag was then hoisted on our vessel, upon seeing which the strange vessel lowered the English flag, fired a blank shot, and raised the confederate flag. Our vessel was then hove to. That our vessel was boarded, the captain and mate taken on the other vessel, and after bringing the captain back our vessel was declared to be a prize. That after packing up our clothes, I with the rest of the crew was taken on board said vessel, which proved to be a steamer, and was then asked by some of the crew to join her, but I refused to do so. That they then ironed me and put me among the sheep. That I was told by the carpenter's mate that the vessel's name was Shenandoah. That at the end of sixteen days I consented to work in preference to being kept in irons; I was then released and signed a parole. Then I worked

[605] with the crew until our arrival in *Hobson's Bay. That on the 26th January 1865, I was released from imprisonment, came ashore, and went to the United States consulate for protection and assistance.

(Signed) FREDERICK LINDBORG.

Subscribed and sworn to, in duplicate, before me this 4th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 27 in No. 32.]

Testimony of Lillias L. Nichols.

I, Lillias Lervene Nichols, at present of the city of Melbourne, in the colony of Victoria, wife of William Green Nichols, master mariner, make oath and say:

1. That on the 29th day of December, 1864, I was on board the bark Delphine, belonging to Bangor, Maine, United States of America, in company with my husband, the above-named William Green Nichols, under whose command the said bark then was; and about 3 o'clock in the afternoon of that day the said bark was hove to in consequence of a blank shot fired toward her by a steamship called Shenandoah, flying the flag of the so-called Confederate States of America, and was subsequently boarded by Bullock, the sailing-master of the said steamer, who told my said husband and the chief officer Mr. Jones that they and the said bark were a prize to the Confederate States of America, and ordered them to go on board the said steamer; and in pursuance of said order my husband and the said chief officer went on board, and subsequently returned to the said bark, and I was taken on board the said steamer, as also my husband, his officers and crew, and about 11 o'clock that night the said bark was burned.

2. That on my getting on board the said steamer one Waddell, captain of the said steamer, said to me, " Welcome on board the Shenandoah;" and while I was on board the said steamer I was treated with kindness and consideration by the said Captain Waddell.

3. That while I was on board said steamer I frequently was in conversation with the said Waddell, who frequently told me that he came out in the Laurel steamer from Liverpool to a place off Maderia, and that the Laurel arrived there three days before the Sea King, and was waiting three days for the Sea King, and on the Sea King appearing they cheered her; and that the said steamer Shenandoah was formerly the Sea King, and was built at Glasgow, and that the Laurel and Sea King steamer met off Madeira, and that the guns and ammunition then on board the steamer Shenandoah were brought out by the said steamer Laurel packed in boxes.

4. That the said Waddell told me, while I was on board the said steamer, that he left his wife in England, and that on leaving England he told her that he was going on a cruise, and that she would most likely hear a great many things to his detriment, but not to believe them, and the said Waddell also told me that he picked up his officers, some in Paris, some in Liverpool, and some in London, and that some were recommended by Semmes of the Alabama steamer, (lately sunk by the Kearsarge, United States ship of war,) and that his cruise was to burn and destroy everything flying the Federal flag.

5. That the said Waddell told me that Whittle, the first lieutenant of the said steamer, came out in the Sea King steamer, and the said Whittle also told me that he came out in the Sea King, to a place off Madeira, and that when they arrived they were cheered by the people on board the Laurel steamer on coming round the point.

6. That the said steamer Shenandoah arrived at Hobson's Bay on the 25th day of January, 1865, and two days previous to her arrival, the paymaster, one Smith, called me to read a paper document, which I did, and found it was a parole not to bear arms or to do anything to the detriment of the confederate cause, and I then told the said Smith that I was not a prisoner of war, and that Captain Waddell had frequently told me so, and the said Smith told me I must sign it to get released, and in reply I told the said Smith that I did not consider it binding, and that if any questions were asked me I would answer them. And he then said, " It is a mere matter of form, and was the only way for me to obtain my release;" and on the said representation that it was the only way for me to obtain my release, I signed the said paper document, protesting, as I was then under duress.

7. That I am a native of Searsport, Maine, United States of America.

(Signed) LILLIAS LERVENE NICHOLS.

[606] *Subscribed and sworn to, in duplicate, before me this 3d day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul.

[Inclosure 28 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 9, 1865.

SIR: I have the honor to inform your excellency that I have already left at the Crown law-offices, by my attorneys, Messrs. Duffett, Grant & Wolcott, at different times, the affidavits of the following persons in relation to the Sea King, *alias* Shenandoah, all of which affidavits go to show the real character of said vessel, and are in support of the several protests I have had the honor to forward to your excellency, and which protests I now reiterate.

I have, &c.,
(Signed) WM. BLANCHARD.

List of affidavits left at the Crown law-offices, on 2d February, 1865.

Mrs. L. L. Nichols, wife of W. G. Nichols, master of bark Delphine, and passenger thereon.
William Bruce, steward, bark Alina.
John H. Coldby, seaman, Lizzie M. Stacey.

Left on 6th February, 1865.

Edward S. Jones, chief officer, Delphine.
James Ford, seaman, Susan.
George R. Brackett, seaman, De Godfrey.
Charles Bollin, seaman, Delphine.
John Sandall, seaman, Delphine.
W. Scott, carpenter, Delphine.
Frederick Lindborg, seaman, Delphine.
George Silvester, late a seaman on the Laurel, and fireman in the Sea King, *alias* Shenandoah.

[Inclosure 29 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 10, 1865.

SIR: I most respectfully beg leave to call your excellency's attention to that part of the inclosed affidavit of John Williams, taken before me this day, late cook on board the Shenandoah, *alias* Sea King, relative to the shipment of men on board the Shenandoah in this port.

I have, &c.,
(Signed) WM. BLANCHARD.

[Inclosure 30 in No. 32.]

Affidavit of John Williams.

I, John Williams, of Boston, Massachusetts, do make oath and say:

That I was taken from the bark De Godfrey the 7th day of November, 1864, as a prisoner, and put on board the steamship Shenandoah, now in Hobson's Bay. I worked as cook under compulsion and punishment on board said Shenandoah from the day of my capture until Monday, the 6th day of February, 1865. That on Monday last I swam ashore to obtain the protection of the United States consul. That when [607] I left the *said Shenandoah on Monday last, there were fifteen or twenty men concealed in different parts of said ship, who came on board since said Shenandoah arrived in Hobson's Bay, and said men told me they came on board said Shenandoah to join ship; that I cooked for said concealed men for several days before I left. That three other men in the uniform of the crew of said Shenandoah are at work on the Shenandoah, two of them in the galley, and one of them in the engine-room; that said three other men in uniform joined said Shenandoah in this port; that I can point out all the men who have joined said Shenandoah in this port.

(Signed) JOHN WILLIAMS.

Subscribed and sworn to, in triplicate, before me this 10th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 31 in No. 32.]

Mr. Coneley to Mr. Blanchard.

CROWN LAW-OFFICES,
Melbourne, February 11, 1865.

SIR: I am directed by the law-officers of the Crown to acknowledge the receipt of your letter of yesterday's date, addressed to his excellency the governor, and containing an affidavit of one John Williams, relative to the shipment of men on board the Shenandoah in this port.

In reply, I am to inform you that the above-named John Williams may attend on Monday morning next at the office of the Crown solicitor, and if he can give evidence sufficient to support a charge of misdemeanor against any of the persons concealed on board the Shenandoah, or against any of the officers of that ship, proceedings will be taken immediately.

I have, &c.,
(Signed) A. W. CONELEY, *Secretary.*

[Inclosure 32 in No. 32.]

Testimony of John Williams.

I, John Williams, of No. 6 Richmond street, Boston, Massachusetts, do declare on oath:

That I shipped on board the bark De Godfrey, Captain Halleck, and sailed in said bark from Boston on the 6th of October, 1864; that nothing unusual occurred until the 7th November, 1864, when a vessel under steam and sail, flying the English ensign, ran down to us, lowered the English flag and hoisted the confederate flag, which I knew, fired a cannon for said bark to heave to, which said bark did; that a boat from said steamer, containing two officers and six men, all armed, came alongside; both officers came on board said bark, and ordered the captain and first mate to go on board said steam-vessel, and take the bark's papers with them; that the captain and mate, as ordered, did go; that one of the said armed officers took charge of the bark in the captain's absence; that when Captain Halleck returned, he was allowed to take only part of his clothing; that we were all then ordered on board the said steam-vessel; that before I had reached the said steam-vessel I saw the bark I had left on fire, and I watched her until the mainmast went over the side; that after I got on board I was ordered to go into the cabin and work, and all hands called to splice mainbrace; that the next day the captain of said steamer, Mr. Waddell, said I had better join the ship, as it would be better for me; that as colored people were the cause of the war, if I did not join it would go hard with me; that said Waddell said he wanted to get all the colored persons he could; that I offered to work, but refused to join ship; that he then said he would put me in the coal-hole for six months; that he then offered me a month's advance, (£6,) which I refused, because I am a loyal citizen, and have served my time in the Navy of the United States; that I was in the Congress when she was sunk in Hampton Roads, and had with me my discharge from the Minnesota; that I have been triced up by the thumbs seven times for upholding my country; that I have been triced up after my work was done from 6 o'clock p. m. until 9 o'clock p. m.; that I told Mr. Whittle that I was forced to join said Shenandoah, and if the Minnesota [608] was *here, she would blow this vessel out of the water; he then ordered me to be triced up by the thumbs, which was done by the master-at-arms; that I continued at work on board said vessel until her arrival in the port of Melbourne, and until Monday night last, when I swam ashore to find the United States consul; that when I first went aboard the said steamship I saw that her articles read Shenandoah, but all parts of the vessel were marked Sea King, of Glasgow; that two 12-pounder guns were marked Sea King, with a crown, and the letters P. D., one on each side of the crown, and the said guns were so marked when I left the said Shenandoah on Monday last; that the cooking-stove that I used while on board was marked Sea King, of Glasgow; that the said stove was on board on Monday last; that Captain Waddell told me he would get me a better stove as soon as the vessel went on the slip; that the bell, sideboard, wheel, and brass plate on the cabin door were all marked Sea King when I first went on board said Shenandoah; that in all the captures made by said Shenandoah since I have been on board, the guns marked Sea King, and having a crown and letters P. D. as before described, were used to bring the vessel to; that no other cannon have been fired since I came on board.

(Signed) JOHN WILLIAMS.

Subscribed and sworn to, in duplicate, this 11th day of February, before me, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 33 in No. 32.]

Testimony of Walter J. Madden.

I, Walter J. Madden, of Boston, Massachusetts, do declare on oath:

That I sailed from Boston, Massachusetts, in the bark De Godfrey, Captain Halleck, on October 6, 1864, bound to Valparaiso; that on the 7th November, 1864, the said bark was captured by a steamer, which I afterward learned was called Shenandoah, said steamer first showing the English ensign, and after we showed our colors, she then hoisted the confederate flag; that I was then ordered on board the said Shenandoah; that after I got on board I was told that if I would not join said Shenandoah I would be put in irons and in the coal-hole until I did join, or until said vessel arrived at a port to land me, which might be several months; that being sick at the time, and in order to avoid punishment, I consented to join her for six months, against which shipment I now protest; that when I came on board said Shenandoah I saw the aprons on two quarter-deck cannons marked Sea King, which words Sea King were about one month afterward erased; that the bell forward was also marked with the words Sea King, which words were erased; that I served on board said Shenandoah as captain of the hold; that all the stores on board said vessel down to her kelson are marked Sea King, except those taken from the vesssels captured after I came on board said Shenandoah; that the letters "ING" cut in the head-board, which is broken off said ship Shenandoah, and painted over, were still visible when I left the vessel on the 7th February, 1864, in the port of Melbourne; that when I left the vessel on the 7th instant, there were men hid in the forecastle of said ship, and two working in the galley, all of whom came on board of said vessel since her arrival in this port; that the officers pretend they do not know that said men are so hid; that the guns on the quarter-deck marked Sea King when I came on board, were the only guns on board said Shenandoah that were used to make prizes; that on the occasion of the capture of the Delphine, one of the rifled guns of said vessel was cleared away for use, but the vessel hove to without a shot from said rifled gun.

(Signed) WALTER JAMES MADDEN.

Subscribed and sworn to, in duplicate, before me this 9th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

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[609] *[Inclosure 34 in No. 32.]

Testimony of Thomas Jackson.

I, Thomas Jackson, at present of the city of Melbourne, in the colony of Victoria, able seaman, make oath and say:

1. That I am a native of Yorkshire, England, and between three and four months ago I shipped at Liverpool on board the Laurel steamer, of Liverpool, to proceed on a voyage to the Gulf of Mexico, and was shipped and taken on board the said steamer Laurel by Allen, chief engineer of Fraser & Co., of Liverpool, while under influence of drink, and the day after I was taken on board the said steamer a number of boxes were hoisted on board the said steamer Laurel from two tug-boats, while the Laurel was in the Mersey, and I assisted in putting the said boxes on board; and on the following day the Laurel proceeded on her said voyage, or supposed voyage.

2. That after the expiration of about five days from the said steamer's leaving Liverpool on the said supposed voyage, she anchored at Madeira, and took in coal, and waited at anchor there for about three days, when a steamer signalized the steamer Laurel from outside, and the steamer Laurel then weighed anchor, and proceeded to the back of the island, and waited for the aforesaid steamer, which came alongside, and I then saw the words Sea King on the bows.

3. That the cargo brought out in the said steamer Laurel was then transferred to the said steamship Sea King, such cargo being packed in boxes, and was put on board the Laurel at Liverpool while I was on board, and which I assisted in putting on board as aforesaid, and the said steamer Sea King immediately proceeded on her voyage, and hoisted the flag of the so-called Confederate States of America, and the people on board the Laurel gave the Sea King three cheers, and the Laurel then proceeded, as I believe, to Nassau.

4. That I shipped on board the said steamship Sea King at Madeira as fireman, being engaged by Whittle, who is now first lieutenant of the steamship called the Shenandoah, having been first well supplied with rum to drink by the said Whittle, and Bullock, the sailing-master.

5. That about two days after leaving Madeira in the said steamer Sea King, the said words Sea King were painted over, and the said Whittle, after the said cargo was put on board from the said steamer Laurel, and about a day after the said steamer Sea King left Madeira, read his commission to the crew, and told me that I was supposed to be a southern man, and the name of the said steamship Sea King was in future to be Shenandoah, and thereupon from that time afterward the said steamship Sea King was called "Shenandoah."

6. That in about a month or six weeks after leaving Madeira in the said steamer Sea King, (at this time called the Shenandoah,) the bell of the steamer, bearing the words Sea King engraven thereon, was brought to me by Grey, the gunner of the said steamer Shenandoah, who told me to help file the said words Sea King out of the said bell, which I did, assisted by Martin, the store-keeper of the said steamer, and the next day the said Martin took the said bell back to one of the men, and I afterward saw the said bell on the top-gallant forecastle, and the said bell was on board the said steamer Shenandoah when I left her in Hobson's Bay, Victoria.

7. That all the officers on board the said steamship Shenandoah, with the exception of the first lieutenant, came from Liverpool in the said steamship Laurel, and went on board the said steamer Sea King at the back of Madeira, as aforesaid.

8. That the said cargo put on board the said steamer at the back of Madeira from the Laurel, packed in boxes as aforesaid, was afterward opened, and consisted of cannon, carriages, shot and shell, and also powder, and the said cannon were afterward mounted on board the said steamer Sea King, now Shenandoah.

9. That about two days before the said steamer Shenandoah arrived in Hobson's Bay, the said words "Sea King" were still visible on the bows of said steamer Shenandoah, and the said Whittle told some of the crew to paint over the bows of the said steamer again, which they did, and painted a white streak around her stern-back.

10. That about six weeks after leaving Madeira, as aforesaid, some plates with the word "Sea King" engraved or cut therein affixed between the cabin-doors and other places on the said steamship, then called the Shenandoah, were unscrewed by the carpenter (O'Shea) and thrown overboard.

11. That I have sailed eight or nine years backward and forward from the United States of America, and have a protection as a United States citizen, which is now, together with all my clothes, on board the said steamer Shenandoah.

[610] *2. That the said Sea King had on board of her when I joined her from the Laurel near Madeira two mounted cannon, and that the said two mounted cannon did not come out in the said Laurel; that the said two mounted cannon were the only cannon used to make captures or prizes with while I was on board the said Shenandoah; that the cannon taken from the said Laurel had never been fired since they were put on board the said Shenandoah, and I left the Shenandoah on the 27th day of January, 1865, at the port of Melbourne.

(Signed) THOMAS his + mark. JACKSON.

Subscribed and sworn to, in duplicate, (first reading the above oath to Thomas Jackson, in the presence of J. B. Swasey and Simeon Gage, who witnessed also his mark,) before me, this 8th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 35 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 13, 1865.

SIR: I have the honor to forward to your excellency, inclosed herewith, the affidavits of three persons, taken before me, in relation to the Sea King, *alias* Shenandoah, which affidavits go to show the real character of said vessel, and are in support of the several protests I have had the honor to forward to you:

1. John Williams, late a prisoner from the American bark De Godfrey, and an impressed cook on board the said Sea King, *alias* Shenandoah.
2. Walter Madden, late a prisoner from same bark, and captain of the hold on board said Sea King, *alias* Shenandoah.
3. Thomas Jackson, late a seaman on board the Laurel, and fireman on board the Sea King, *alias* Shenandoah.

I have, &c.,
(Signed) WM. BLANCHARD.

[Inclosure 36 in No. 32.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
February 13, 1865.

SIR: In acknowledging the receipt of your letter of this date, I am directed by his excellency to acquaint you that the matter to which it more particularly refers, and which was first brought under his notice in your letter of the 10th instant, has engaged, and continues to engage, the earnest attention of the colonial government.

I have, &c.,
(Signed) H. L. WARDE,
Private Secretary.

[Inclosure 37 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 14, 1865.

SIR: I have the honor to forward to your excellency, inclosed herewith, the affidavits of F. C. Behucke and Hermann Wicke, late prisoners from the American bark Alina, and impressed sailors on board the Sea King, *alias* Shenandoah, taken before me this day, which affidavits are in support of my protests, and also tend to show a continued violation of law by persons on board said vessel.

I have, &c.,
(Signed. WM. BLANCHARD.

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[611] *[Inclosure 38 in No. 32.]

Testimony of Hermann Wicke.

I, the undersigned, Hermann Wicke, now of the city of Melbourne, solemnly declare and make oath—

That I am a native of Port Hanse, district Achem, kingdom of Hanover, Germany; that I shipped as ship's boy, on the 5th October, 1864, at Newport, England, on board the American bark Alina; that on the 6th October the Alina sailed from Newport for Buenos Ayres, and that up to the 29th October nothing unusual occurred; that on the 29th October, about 10 a. m., a steamship, with steam up, and under full sail, was descried coming toward the bark Alina, and on nearing about two miles the English ensign was hoisted on said steamer, whereupon the bark Alina hoisted the United States colors; that about 1 o'clock on same day, when within a distance of three-quarters of a mile, the said steamer fired a blank shot, lowered the English flag, and hoisted the flag of the Confederate States of America; that the bark Alina thereupon hove-to, and was boarded by a boat from said steamer manned with five sailors and two officers, who were all fully armed with revolvers; that the captain and mate were ordered on board the steamer, whereas the crew was required to remove such stores from the Alina with two boats from the Alina and two from the steamer, as were pointed out by an officer of the steamer who was left on board; that the crew was informed that the ship was a prize of the Confederate States of America, and that each of the crew would be allowed to take one bag of clothing on board the steamer; that I went with others on board the steamer, on the bell of which I saw the name Sea King, which subsequently was erased; I was told the name of said steamer was Shenandoah; Captain Waddell, of steamer Shenandoah, asked me to join ship; I was intimidated, and, not understanding English properly then, I replied yes to everything I was told and asked; I signed, being afraid that by not doing so I might lose my life; that I served on board the Shenandoah as coal-trimmer, and on the passage to Melbourne eight ships were captured by the Shenandoah, for the heaving-to of which two ordinary ships' guns aft alone were used; I never saw any of the two rifled guns out of the four 68-pounders used or fired; that William Clark, also a coal-trimmer on board the Shenandoah, told me she sailed from London as the Sea King, and that he shipped in London on board the Sea King; that the said William Clark was still on board on the 12th instant, when I left the Shenandoah; that since her arrival at Hobson's Bay I did the work of "firemen's mess cook," consisting of bringing to and fetching from the cooking-galley the food for the firemen, and clearing table, &c.; that the rations in Hobson's Bay are served out by the master-at-arms, (I believe named Reed,) who gives the rations to Quartermaster Vickings, and this latter brings the rations to the galley to be cooked by cook, known by the name of Charley; that said cook Charley was not on board the Shenandoah on her arrival in the bay; he went on board since her arrival, and he told me he would join the ship as cook; that he dared not do it in the port, but that he would do it when proceeding outward; that I also saw said cook take rations to a number of men concealed in the forecastle, who went on board since her arrival in Hobson's Bay; that on Saturday, the 11th February, 1865, when working and cleaning the Shenandoah, three boys who came on board the Shenandoah since her arrival in this port assisted in painting between deck, whereas the number of men so concealed (as mentioned above) worked on deck; that said men so concealed, in number about ten, received rations cooked in same cooking-apparatus, and served in same way as the regular crew on board; they eat out of the ship's plates in the forecastle, such as were used by the prisoners while on the cruise; that they sleep on board, one part in forecastle, the other part between deck; that the cook Charley and another, which I could identify if seeing him again, wore sometimes the ship's uniform; that on the 12th instant I left the Shenandoah, on leave, and having joined her under intimidation, against which I hereby protest, I place myself now under the protection of the United States consul at Melbourne.

(Signed) HERMANN WICKE.

Subscribed and sworn to, in duplicate, before me the 14th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

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[612] [*Inclosure 39 in No. 32.]

Testimony of F. C. Behucke.

I, F. C. Behucke, of Lubeck, in Germany, seaman, do declare on oath—

That I shipped on board the American bark Alina, of Boston, at Newport, England, on the 5th of October, 1864, and sailed in said bark on the 6th of same month, bound for Buenos Ayres; that nothing unusual occurred until the 29th October, when a steamship neared us, flying the English ensign, which was then lowered, another flag hoisted, and a blank shot fired to heave our bark to; and the said bark hove-to, and was boarded by armed men from said steamship; that said armed men ordered the crew to take one bag of clothes, and to go on board said steamship; that all the crew of said bark did as ordered; that when I went on board said steamship I found eight guns mounted, on two of which guns I saw the words "Sea King;" that her crew consisted of twenty-three officers aft; that in addition to the above officers there was one gunner, two gunner's mates, four quartermasters, two cockswains, one boatswain, two boatswain's mates, two carpenters, one sail-maker, four firemen, one store-keeper, two coal-trimmers, one master-at-arms; that "Sea King" was also on the bell forward and the harness-casks; that on going on board steamship I was asked to join her, which I refused to do; that the master-at-arms was then called, who put me in irons, and in top-gallant forecastle, along with the sheep and hens, where I was kept from Saturday 3 p. m. until Sunday night 11 p. m.; that to avoid such punishment I consented to join said steamship, against which imprisonment I now protest; that after I came on board the steamship (which I heard called Shenandoah) she made eight captures, some of which were burned, some sunk, and some bonded and let go; that I remained on board said steamship until Sunday, the 12th February, 1865, when I came on shore at Melbourne on liberty; that the only cannon fired while I was on board were the two guns that had Sea King marked on their aprons; that the said marks are not now on the said two guns; that all the prizes were hove to with the said two guns; that before I left the said steamship I saw about ten men concealed in the said Shenandoah; some of said men told me they came on board to join; that several of the said men were at work with me on Saturday last, with the knowledge of the officers; that one of said men told me that he could not sign articles in this port, but was going to do so as soon as he got outside; that one man who was in the galley (who came on board in this port) wears the uniform, and performs his daily duty in said uniform; that said man in the galley has been wearing the uniform for about eight or ten days; that I have heard said man in the galley called "Charley;" that all the said men who came on board since we have arrived in Melbourne have rationed from the said ship Shenandoah; that I have seen the master-at-arms serve out their provisions to Vicking; that after the provisions are cooked I have seen Quartermaster Vicking take it to them from the galley while concealed in the forecastle.

(Signed) F. C. BEHUCKE.

Subscribed and sworn to, in duplicate, before me this 14th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 40 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 15, 1865.

Statement of United States consul.

SIR: Having already forwarded to your excellency various affidavits taken before me relative to the Sea King, *alias* Shenandoah, in support of the protests I have had the honor to make to you, I now respectfully offer to your consideration the following summary of facts derived from that testimony, with my view of the law applicable thereto.

In October last the Sea King cleared from England ostensibly for Bombay, loaded with coal; and, further, equipped with guns, sails, stores, &c., for a long voyage, crew ample, and, besides the regular officers of such a vessel, a lieutenant in the so-called confederate service.

Proceeding upon her cruise, she after a few days, by a preconcerted arrange- [613] ment, *falls in with the Laurel, also from England, and receives from her, upon the high seas, a further armament, munitions, &c., and the remainder of her officers. This being done, the Sea King hauls down the British flag, and hoists that of the so-called confederacy, assumes a new name, and commences more active hostilities upon the commerce of the United States.

Continuing her cruise after the destruction of several vessels, she enters this port, the first one since clearing from England, and drops anchor in Hobson's Bay, flying the so-called confederate flag, and styling herself the Shenandoah, a confederate vessel of war.

This voyage divides itself into two parts, yet all one cruise and one vessel—the former part rather a transport or store-ship, still well capable of seizing unarmed vessels; the latter part rather an armed cruiser, yet with much to be done to render her really efficient.

The vessel cleared from England really with the intent to be employed against the United States, and was equipped in England to that end. Immediately upon leaving she began the designed hostile cruise, equipped at the start fully in some respects, (as with coals, two cannon, cordage, sails, extra propeller, &c., and an officer of the so-called Confederate States,) but rather as a store-ship or transport, but in nearly all the cruise fully equipped to effect the intent with which she left England, and with that intent practically and repeatedly executed.

This vessel equipped in England with the intent as stated, the intent absolutely perfected in the hostile cruise, (still in progress, and only interrupted to make it more effective hereafter,) now lies in reach of British law.

Is she an offender against the law?

This case differs in some respects from all the reported cases. A vessel has not been built for, nor (as we know) been sold to, the so-called confederate government.

The difficulties which existed in the minds of two of the judges in the Alexandra case do not appear in this. The facts here bring this vessel within the condemnatory opinion of all the judges in that case. In that the charge of "transport or store-ship" was stricken off, and the only remaining one was, substantially, "equipped with intent," &c. The arrest was made too soon to make the intent quite sure—a new hull, with only two or three things argumentatively pointed at as consistent only with a guilty design. The chief baron had committed himself by his direction to the jury in that case, and yet he only insisted (the transport charge not applying) upon some equipment, which would render this vessel more or less effective in a hostile cruise. Baron Bramwell agreed, substantially, not going so far, while Barons Channell and Pigot found against the Alexandra.

The facts, then, in this case, condemn the Sea King-Shenandoah upon the law even of the Alexandra case, as laid down by all the judges. Here we find a "fitting out," an "equipment" of a vessel, with "intent" to be employed as a "transport" or "store-ship," and to cruise or commit hostilities against a friendly power. The "intent," the "fitting out," formed, done in England, the vessel, in completement of the intent actually fitted out and equipped, sailed from England; first, rather as a "storeship or transport," to furnish a more warlike cruiser with guns, coals, cordage, sails, &c., for a long cruise; and second, more fully equipped and officered, with a new name, destroying the commerce of the United States; the original equipment, thus augmented, done in completement of the same design and as part therefore. The original and more complete subsequent equipment, one act in completement of the one intent and one purpose, began in England and perfected there to a certain and sufficient (but afterward to a more complete) extent, even yet not fully perfected, and here designed to be accomplished. Thus, then, the "intent" "to be employed," &c., is actually carried out, and the offense in all its parts of purpose and execution repeatedly committed; and now from this port, and with increased power, sought to be further repeated.

The law applicable to this offense extends to all parts of Her Majesty's dominions. Her Majesty's officers of customs, &c., are duly armed with power to enforce it against the offending vessel.

Proceedings may be *in personam* or *in rem*, or in both.

The offense, though committed in one part of Her Majesty's dominions, may be punished in another part. The nature of the misdemeanor, if it could be punished only in the place of the offense, the law would be nearly nugatory. Is it possible that an act declared to be unlawful when done in any part of Her Majesty's dominions, can only be inquired into in the jurisdiction of the place of the offense? If a vessel be fitted out against the law in Sydney, must the authorities at Melbourne refuse to move when the offender comes to this port? Are criminals escaping from Eng- [614] not liable to arrest *here? The act authorizes in the same terms officers of excise, customs, and officers of Her Majesty's navy, in all parts of Her Majesty's dominions, to execute the law upon persons and things. Is it to be said that, although the offense has been committed, the offenders and vessel are to go without challenge in all parts of Her Majesty's dominions, except in the particular jurisdiction of the original offense? Upon what rule of law can such a strange doctrine be maintained, disregarding even the plain directions and most certain intentions of the act? For a crime inaugurated and continued is a perpetual offense, wrong from the beginning, wrong whereon in the prosecution of the wrong, each new departure a new offense with aggravation.

This vessel is not a legal cruiser of the so-styled confederacy. She is invested with no immunity, entitled to no consideration by her false assumption. She is not to enjoy the advantage of her own wrong. Entering here as everywhere in British ports, she is a wrong-doer continuing and aggravating the original offense. Her entering here, intending to continue her illegal cruise, is, as against this jurisdiction, a new offense, which renders her amenable to the local jurisdiction.

Whether, then, we interpret the foreign enlistment act in the manner which its obvious intentions most absolutely require, or in the manner suggested to me by the Crown law-officers in a recent interview, in either case this vessel should be detained. For if it be granted that the evidence presented would doubtless be sufficient to that end in England, then that evidence should be held sufficient to the same purpose here; because upon the principle above referred to, this vessel cruising into this port upon an illegal expedition against the United States, and intending to continue that cruise, is an offender here, having gained no immunity by her pretended claim, she simply remains, by British law, an illegal and criminal rover of the sea, everywhere an offender against that law, and in every new port committing, as to the new jurisdiction, a new offense.

Your excellency will observe that in the foregoing I have confined myself to a view wholly taken from imperial law. I have urged nothing from a consideration of the law of nations, nor from the obligations of treaties. These, indeed, doubtless Her Majesty's proclamation of neutrality and the foreign-enlistment act only illustrate and enforce. Nor can they be interpreted apart without manifest injustice.

I trust therefore that, upon further reflection, your excellency will reconsider your decision regarding this vessel, against which I have felt constrained to protest so enrnestly.

I have, &c.,
(Signed) WM. BLANCHARD.

[Inclosure 41 in No. 32.]

Mr. Lyttleton to Mr. Blanchard.

POLICE DEPARTMENT, SUPERINTENDENT'S OFFICE,
Melbourne, February 15, 1865.

SIR: I have the honor to inform you that I arrested four men last night, who were making their escape from the ship Shenandoah. They are now in the watch-house at Williamstown, and I shall feel obliged by your sending Madden or some other person who may possibly be able to identify them.

Arrest of four men.

I have, &c.,
(Signed) THOMAS LYTTLETON, *Superintendent.*

[Inclosure 42 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 17, 1865.

SIR: I received information yesterday from Mr. J. McFarlane, emigration officer, in reply to an inquiry, that the Shenandoah was taking in 300 tons of coal, in addition to the quantity she had on board when she came into this port, which I learn was about 400 tons, from the ship then alongside of her in the bay.

Consul's representation as to coaling.

The Shenandoah is a full-rigged sailing-vessel; steam is only auxiliary with her, [615] *and I cannot believe your excellency is aware of the large amount of coal now being furnished said vessel.

I have, &c.,
(Signed) WM. BLANCHARD

[Inclosure 43 in No. 32.]

Statement of Michael Cashmore.

I, Michael Cashmore, of Melbourne, do solemnly declare—

That on or about the 2d day of this month (February) I went, in company with Mr. Lawrence Cohen, of the firm of Cohen Brothers, of this city, on board the confederate steamship Shenandoah, lying in Hobson's Bay; that while walking in the between-decks I was hailed by name, by a man in the uniform of the ship, who was sitting with other sailors taking soup. I recognized the man to be a late digger at Scarsdale. I asked him, "Hollo! how came you here?" He said, "I joined them this morning." I asked him if he thought it a better game than gold-digging; he replied, "The pay is nothing to boast of, but there is a chance of making a good deal in the shape of prize-money." I said, "It is a great change," and wondered how he would be able to stand it. He said, "It was nothing new, as he had been many years on board a British man-of-war." I have known this man several years, and believe him a Cornishman. I do not know his name, but I can readily identify him. Mr. Lawrence Cohen was near me during this interview, and can, no doubt, confirm this my statement.

MELBOURNE, *February* 16, 1865.

(Signed) MICHAEL CASHMORE.

Witness:
(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 44 in No. 32.]

Affidavit of John B. Lydserff.

I, John B. Lydserff, master of the brig Spree, of Melbourne, now in Hobson's Bay, do solemnly declare—

That about fourteen days ago I went on board the Shenandoah, with a view to purchase a chronometer; that I inquired if the commanding officer was on board, and if he had any chronometers for sale; that I was then directed to a person in the uniform of an officer who said he had. The said officer gave me choice of five or six; that I selected one numbered 960, Fletcher, Pentonville, London, for which I paid £15 sterling. That I paid the purchase-money to a person in the

Sale of a chronometer to J. Lydserff.

uniform of an officer of said Shenandoah, in the cabin of said ship; that I have a bill and receipt, but not with me at present.

(Signed) J. B. LYDSERFF.

Subscribed, in duplicate, before me this 15th day of February, 1864, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul, Melbourne.

[Inclosure 45 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 17, 1865.

Representation of consul as to enlistments.

SIR: I beg leave to call your excellency's attention to the affidavits of John Williams, Walter J. Madden, Hermann Wicke, and Charles Behucke, the four impressed seamen from the Shenandoah, heretofore forwarded to you showing that there have been shipped some ten or twenty persons on board said Shenandoah while in this harbor.

I also forwarded yesterday to the honorable the attorney general a solemn declaration of Michael Cashmore, a highly respectable citizen of this place, showing that some fifteen days ago he was hailed by name by a person in uniform on board said vessel; that said person who hailed him was a late digger at Scarsdale, in this colony; that said person informed him he had joined that day, and that said person was taking [616] his meals *on board with the other sailors. Mr. Cashmore has informed me that neither of the four men who were arrested while escaping from said Shenandoah was the man who hailed him while on board said ship.

I also left the attorney general a solemn declaration of John B. Lydserff, master of the brig Spree, of Melbourne, now lying in Hobson's Bay, showing the sale of chronometers by the officers of said vessel while in this port, said chronometers being "prize," and the sale in violation of Her Majesty's proclamation.

I am compelled to protest against said vessel being allowed to depart with men furnished her in this port, whether the men are British subjects or others.

And I again protest against the aid and comfort now being extended to said vessel in this port.

I have, &c.,

(Signed) WM. BLANCHARD.

[Inclosure 46 in No. 32.]

Testimony of Andrew Forbes.

I, Andrew Forbes, residing in Murphy's cottages, Sandridge, do declare on oath—

That about 4 o'clock this day, while on the railway pier at Sandridge, I saw Thomas Evans, Robert Dunning, Charles Bird, William Green, and Little Sam, all inhabitants of Williamstown, most, if not all of them, British subjects, standing on the pier, dressed better than usual; that I said to Thomas Evans, What are you all doing over here? That, after some further conversation, said Thomas Evans said, "I suppose I need not be frightened to tell you." Said Evans then told me that he was going on board the bark Maria Ross, (then lying in the bay ready for sea,) with the others in his company, to join the Shenandoah when said Shenandoah got outside the Heads; that the boats from the Maria Ross were to come to take them on board at 5 o'clock. He also said that there were many more besides his party going the same way.

(Signed) ANDREW FORBES.

Subscribed and sworn to, in duplicate, before me this 17th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD.
United States Consul, Melbourne.

[Inclosure 47 in No. 32.]

Mr. Blanchard to Governor Sir C. Darling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Melbourne, February 18, 1865.

SIR: I have the honor to inclose to your excellency the affidavit of Andrew Forbes, relative to the intending departure from this port of certain persons named therein to join the Sea King, *alias* Shenandoah, in violation of Her Majesty's neutrality proclamation.

Mr. Forbes came to my office at about 5 o'clock p.m. yesterday. Seeing the necessity of immediate action in the matter, I took him at once to the Crown law-officers to lay information before the Crown solicitor, to whom I had previously been directed in a communication from the office of the attorney general of the 11th February, 1865, to take a witness.

It is with regret that I have to call your excellency's attention to the fact that while there, in my official capacity, I was most grossly insulted by language and manner by Mr. Gurner, Crown solicitor, who positively refused to receive the information I was prepared to lay before that department of the Crown. In consequence the ends of justice have been defeated, and the neutrality of this port violated.

It is hardly necessary to acquaint you that I deem it my duty to send my Government a copy of this dispatch.

I have, &c.,
(Signed) WM. BLANCHARD.

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[617] *[Inclosure 48 in No. 32.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
February 17, 1865.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of this date, and to acquaint, in reply, that a ship of war of either belligerent is, under Her Majesty's instructions, allowed to take in coal sufficient to carry such vessel to the nearest port of her own country or to some nearer destination.

I have, &c.,
(Signed) H. L. WARDE,
Private Secretary.

[Inclosure 49 in No. 32.]

Mr. Blanchard to Mr. McPherson, vice-consul, Hobart Town.

UNITED STATES CONSULATE,
Melbourne, February 18, 1865.

Statement of consul that the ship is not in fighting condition.

DEAR COLLEAGUE: I have received reliable information that the Shenandoah, who has just left this port, is about to visit some of the quiet bays in your island. The officers of said vessel have been searching for a pilot who is acquainted with your coasts and bays. My opinion is that she intends coming there with a view to complete her equipment, she having much yet to do to make her formidable. She cannot fight the guns she has on board. Be therefore on the alert.

Yours, respectfully,
(Signed) WM. BLANCHARD.

[Inclosure 50 in No. 32.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
February 20, 1865.

SIR: I am directed by his excellency the governor to acknowledge your letter of the 15th, and to inform you that his excellency is advised that it furnishes no ground for an alteration of the views respecting the presumed character of the ship Shenandoah, which have been already communicated to you.

I have, &c.,
(Signed) H. L. WARDE,
Private Secretary.

[Inclosure 51 in No. 32.]

Mr. Blanchard to Mr. Lord.

MELBOURNE, *February* 20, 1865.

SIR: Will you please give me in writing an account of my interview held in your presence with the Crown solicitor, Mr. Gurner, on Friday last?

Yours, truly,
(Signed) WM. BLANCHARD.

[Inclosure 52 in No. 32.]

Mr. Lord to Mr. Blanchard.

MELBOURNE, *February* 20, 1865.

DEAR SIR: Yours of this date is received, requesting me "to give you an account of an interview held in my presence between you and Mr. Gurner, Crown solicitor, on Friday last." In reply you must allow me to state the whole occurrences of the afternoon in connection with the affair of shipping men for the Shenandoah, which were simply these:

While in your office, about 5 o'clock p. m., a man came in out of breath asking to see the United States consul, saying he had run most of the way from Sandridge to [618] *report to you that there were a large number of men, m any of his acquaintances, that were about going on board the bark Maria Ross, then lying in the bay ready to sail, with the intention of shipping on board the Shenandoah, which vessel also was about leaving port. You stated that as the information was important and urgent, you would at once take the man to the Crown solicitor's office, where you had previously been directed by the attorney general to take similar information. You at once took a conveyance and drove to the Crown law-officers. As we stopped at the gate we saw Mr. Gurner, with one of the employés of the office, coming down the yard from the door; he on seeing us turned partly round, and gave, in an under tone, some direction to this employé, which I did not hear. On our entering the gate, Mr. Gurner and this employé stopped half way down the yard, and on our attempting to pass them to go into the building were accosted by the clerk, who said there was no one in, or something to that effect. When I said we should then have to trouble Mr. Gurner, as the business was urgent, and introduced you as the United States consul to Mr. Gurner, the Crown solicitor, he, without noticing or acknowledging you, said very tartly that he was going to his dinner, and could not be detained, when you replied, "I come as the representative of the United States, with evidence to lay before you, the Crown solicitor, of a large number of men about violating the neutrality laws of the country," at which he replied, in a sneering and most insulting manner, "I don't care; I want my dinner, and I am going to have it; there are plenty of magistrates round town; go to them." When I, seeing that you felt bitterly the insulting manner of Mr. Gurner, and wishing to spare you a continuation of it, said, "Let us then go and see the attorney general," Mr. Gurner turned his back on us and walked off. When outside the gate, and about a dozen paces down Collins street, he turned and called out, "My dinner, my dinner! Lord, that is what I want." We left, and went first to the office of the chief commissioner of police, and not finding either him or Mr. Lyttleton in, we drove to the houses of parliament, and on sending your name to the attorney general, he at once came out, and asked us into the side room; he patiently listened to all you had to say, and then suggested that if you would place the matter in the shape of an affidavit he would lay it before his colleagues; that a verbal statement was not sufficient for the government to proceed upon. We then left, and drove to the office of the detective police, and saw Mr. Nicholson, the chief, who heard the man's statement in full, but as he could not act without a warrant, advised us to go to the police magistrate, Mr. Sturt, and get a warrant; then he would at once act upon it. Leaving there, we went to the residence of Mr. Sturt, in Spencer street, who received you very politely, listened to what you had to say, examined the man, but stated that he could not take the responsibility of granting a warrant on the evidence of this man alone, and advised your going to Williamstown to Mr. Call, who, perhaps, would be in possession of corroborative testimony through the water-police. We then left, and it being about half past 7, and you, finding such a disinclination in any one to act in the matter, decided to take the deposition yourself, and send it to the attorney general, leaving it to the government to take such action on it as it might deem proper. Going to your consulate, the deposition was taken, and a copy inclosed to the attorney general, with a request for me to deliver it.

I took it to the houses of parliament, which I found closed, and it being then late, about 9, I decided it was too late to stop the shipment of the men, as we understood the vessel was to leave at 5, and I went home and returned the letter to you on Saturday morning. Previous to going home, however, I again went to the detective office, saw Mr. Nicholson, told him how you had been prevented from getting the evidence before the government in the shape they required it. He expressed his regret, but could not act in so important a matter without a warrant.

I have thus given you as near as I can recollect the occurrences as they took place at the time you mentioned, and, as I believe, nearly word for word as they were uttered.

And I remain, &c.,
(Signed) SAML. P. LORD.

[Inclosure 53 in No. 32.]

Mr. Warde to Mr. Blanchard.

PRIVATE SECRETARY'S OFFICE,
Melbourne, February 21, 1865.

SIR: I am desired by his excellency the governor to acquaint you that he received your letter of the 18th instant in the afternoon of that day, Saturday, and that on [619] Monday, the *20th, he caused it to be referred, through the honorable the attorney, general to the Crown solicitor for any explanation he might wish to offer.

2. After stating that it was only in consequence of his accidentally returning to his office at half past 5 p. m., after it had been closed for the day, that the interview between you and himself occurred at all, Mr. Gurner states that he informed you that, not being a magistrate, he could not take an information, and adds that he was in a hurry to save a railway train, and therefore left more suddenly than he otherwise should have done, but he positively asserts that neither in manner nor language did he insult you.

3. His excellency feels sure that the Crown solicitor's tone and manner have been misapprehended, and confidently assures you that there was no intention on the part of that officer to fail in the respect due to your position as the consul of the United States of America.

I have, &c.,
(Signed) H. L. WARDE,
Private Secretary.

[Inclosure 54 in No. 32.]

Extract from the Argus of February 17, 1865.

THE SHENANDOAH AFFAIR.—The complications in which the confederate war-steamer Shenandoah is involved have, it is true, been brought to an end so far as practical interference with the vessel is concerned, but the political and moral questions have been by no means unraveled.

Some correspondence which we print below will throw a little light on the affair, and perhaps enable our community to form an opinion for themselves as to the action taken by our local government.

The main points in dispute can hardly be succinctly stated, but arise in the course of the various considerations involved. But we must first give a history of what has not yet reached our readers.

Question as to execution of warrant on board.

Suspension of permission to receive supplies.

Wednesday morning, it will be remembered, found the ship still on the government slip, the manager of the slip refusing to obey the express instructions of her captain to have her launched, giving as his reason that he was ordered by the government not to let the launch proceed. The slip was then in the hands of the police, whose instructions were to prevent its use for the launch of the Shenandoah "at all hazards."

On the previous evening Captain Waddell had received a letter from the commissioner of trade and customs for Victoria, intimating that the facilities hitherto afforded the Shenandoah would be suspended, on account of the alleged refusal by the commander to allow a magistrate's warrant for the arrest of one Charlie, said to be on board, to be executed.

To that latter the captain replied with another, denying that execution of the warrant had been refused, and stating that permission to the police to search the ship had been denied as contrary to the dignity of the confederate flag; that the vessel had been searched twice, and no Charlie found, and that absolutely no one had been shipped in these waters; and finally protesting against any obstruction which would cause the detention of the vessel.

On Wednesday morning, then, finding his vessel still fast on the cradle of the government slip, and that the government had taken measures to prevent its removal, Captain Waddell sent his second lieutenant to Mr. Francis with this letter:

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 15, 1865.

"SIR: I am informed by the manager of the slip upon which the Confederate States steamer Shenandoah now rests that the slip has been seized by authority from his excellency the governor, to prevent the launching of the Confederate States steamer Shenandoah, which of necessity is a seizure of the vessel under my command. I therefore respectfully beg to be informed if this seizure is known to his excellency the governor, and if it meets his approval.

"Very respectfully,
(Signed) "JAMES J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the COMMISSIONERS OF TRADE AND CUSTOMS."

At 2 p. m. the same day a proclamation (published in yesterday's Argus) was made by his excellency the governor, revoking the "suspension of facilities" so far [620] * as the launch was concerned, and the following letter was addressed to Captain Waddell:

"CUSTOM-HOUSE, *Melbourne, February* 15, 1865.

Launch from slip allowed.

"SIR: In acknowledging your letters of yesterday's date, and also in reply to your communication of this morning, I am instructed by his excellency the governor to inform you that the lessee of the patent slip having reported that the safety of the ship Shenandoah may be endangered by her present position on the slip, the suspension of permission to British subjects to assist in launching the ship is withdrawn, while the further matters referred to in your letters are under consideration and will be replied to with as little delay as possible.

"I have, &c.,
(Signed) "JAS. G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

Correspondence with Captain Waddell.

Accordingly, the vessel was launched and taken to a spot midway between Williamstown and Sandridge, where she now lies. At a late hour, after 11 o'clock that night, the following letter was received by the commander of the Shenandoah:

"CUSTOM-HOUSE, *Melbourne, February* 15, 1865.

"SIR: I am directed by his excellency the governor to further acknowledge your communications of the 14th and 15th instant, in which, alleging that the vessel under your command had been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

"I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

"The instructions to the police were to see that none of Her Majesty's subjects in this colony rendered any aid or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel, and having entered the service of the Confederate States, in violation of the British statute known as the foreign-enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by Her Majesty's subjects.

"In addition to evidence previously in possession of this government, it has been reported by the police that, about 10 o'clock last night, four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water-police.

"It appears, from the statements of these men, that they were on board your vessel both on Monday and Tuesday, the 14th and 15th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were 'no persons on board this ship except those whose names are on our shipping-articles.' This assertion must necessarily have been made by you without having ascertained for yourself, by a search, that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position to state that one of the four men previously alluded to is ascertained to be the person named in the warrant.

"I am also to observe that, while at the moment of the dispatch of your letter it may be true that these men were not on board the Shenandoah, it is beyond question that they were on board at the time it was indited, your letter having been dispatched five minutes before 10 o'clock.

"It thus appears plain, as a matter of fact, that the foreign-enlistment act was in course of being invaded.

"Nevertheless, as the only person for whose arrest a warrant was issued has been secured, and as you are now in a position to say, as 'commanding officer of the ship, and on behalf of your government, whose faith is pledged by the assurance, that there are no persons on board this except those whose names are on our shipping-articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port,' his excellency the governor has been pleased to revoke the [621] directions issued *yesterday, suspending permission to British subjects to aid and assist you in effecting the necessary repairs and taking in supplies.

"I am to add, it is expected you will exercise every dispatch, so as to insure your departure by the day named in your first letter of yesterday, viz, Sunday next.

"I have, &c.,
(Signed) "JAS. G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

It was too late to reply that night, but the next morning the following reply was forwarded to the government:

CONFEDERATE STATES STEAMER SHENANDOAH,
Hobson's Bay, February 16, 1865.

"SIR: I am in receipt of your communication of yesterday's date, and desire to convey through you to his excellency the governor my appreciation and thanks for his observance of the rights of belligerents, and further to assure his excellency the governor that every dispatch is being made by me to get the Shenandoah to sea at the earliest possible moment.

"The four men alluded to in your communication are no part of the vessel's complement of men; they were detected on board by the ship's police after all strangers were reported out of the vessel, and they were ordered and seen out of the vessel by the ship's police immediately on their discovery, which was after my letter had been dispatched informing his excellency the governor that there were no such persons on board. Those men were here without my knowledge, and I have no doubt can very properly be called stow-aways; and such they would have remained but for the vigilance of the ship's police, inasmuch as they were detected after the third search; but in no way can I be accused, in truth, of being cognizant of an evasion of the foreign-enlistment act.

"In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I shall take an early opportunity of forwarding it to the Richmond government.

"Very respectfully,
(Signed) "JAMES J. WADDELL,
"*Lieutenant Commanding Confederate States Navy.*

"The Hon. the COMMISSIONER OF TRADE AND CUSTOMS."

In consequence of the permission granted in Mr. Francis's last letter, coaling was proceeded with, and yesterday over two hundred tons and a quantity of stores were put on board. Officers and men were all intensely busy, and coal-dust seemed to fill the atmosphere. It will take at least two days more to properly complete the stores, but yet it is not absolutely certain that Captain Waddell will wait for that.

Before quitting the subject, it will be well to give a few statements in respect to the aspect of affairs. It is evident from Mr. Francis's last letter that the government claim to have permitted the launch because Charley had been taken, while Captain Waddell claims that such a course was forced on them by his threat to accept the detention of the vessel on the government slip as a seizure. This is certainly a mooted point. Captain Waddell's explanation of Charley's discovery is, to say the least, a highly natural one, especially as the fact of the arrest of the four men does not appear to have reached the Shenandoah, so jealously is she guarded, till Wednesday night. He says that a remark made by one of his men, and reported to him after it had gone through several hands, first aroused his suspicion that the two searches made had not been complete.

One of the men had been heard to say that he knew where a man was, and thereupon a third search was ordered, and the four men discovered. They were ordered ashore directly, Captain Waddell not thinking it worth while to hand them over to the police, seeing that the men were sent into the waterman's boat under the nose of the water-police, and that rows of armed constables flanked the vessel on each side, and patrolled on long platforms running within ten feet of the ship. In his last letter he has, in his opinion, closed the correspondence with the government, and to his friends he has asserted that, in the whole course of his twenty-one years' experience in the navy of his own country, he never knew of communications on these subjects between a vessel of war and anybody but the representative of the imperial government. It is not improbable that, had the communications been between the commander and his excellency, Mr. McCulloch would scarcely have ventured on his assertion to the legislative assembly that a foreign vessel of war had been "ordered" to leave the port.

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[622] *[Inclosure 55 in No. 32.]

Extract from the Herald of February 20, 1865.

The confederate cruiser Shenandoah left Hobson's Bay about 6 a. m., on Saturday, and was seen during the afternoon, outside the Heads, by the schooners Sir Isaac Newton and Zephyr.

She steamed up to the former and hoisted an English ensign, which, on being answered with a like flag, she stood off again. When the Zephyr saw her at a later hour of the day she was hove to off Cape Schanck. Several rumors are afloat that the Shenandoah shipped or received on board somewhere about eighty men just prior to leaving. We have since been informed that she took away a large number, but not equal to that above stated.

[Inclosure 56 in No. 32.]

Extract from the Argus of February 20, 1865.

We may now speak of the confederate war-steamer Shenandoah as something that has come and gone. With all the sympathy we may have had with her as the representative of those who are gallantly fighting againt long odds, she, in the fulfillment of a warlike errand, was most unwelcome in our still peaceful port, and we are unfeignedly glad of her departure. She left before the time named to our local government by her commander, when the demand was made that the period of her leaving should be fixed at as early a date as was possible, but Captain Waddell was anxious to be better than his word. Before the detention on the government patent slip he promised to be away, if possible, by Sunday, and, by dint of working double tides, night and day, he managed to steam away shortly after daybreak on Saturday last. At first she started at half-speed, and fired a gun or so, to give notice of her departure, but nothing followed, and we are informed that she passed Gellibrand's Point at full speed and was quickly out of sight. Her machinery was little more than patched up, for it was nearly imperative that the pinion nearest the screw-shaft should be renewed; but Messrs. Langlands & Co. made a good job of their repairs, and the ship has, consequently, considerable speed. Our lastest news of her represents her as having cleared the Heads at noon, steering southwest for about twenty miles, when she altered her course to south, and was lost sight of in a thick mist at half past 2 p. m. Of the various ridiculous stories that are told of the circumstances that attended her departure we shall only contradict one, viz, the reported arrival on board, at 2 a. m. on Saturday morning, of Captain Semmes, late of the Alabama, said to have arrived under a feigned name in the Great Britain. That remarkably enterprising and gallant commander is, we are informed by those most likely to know, by this time in the Confederate States, his health having been seriously impaired by the energy and zeal which characterized the performance of his mission and the effects of his submersion after the engagement between the Alabama, Confederate States navy, and the Kearsarge, United States Navy. It is not to be denied, however, that during Friday night a large number of men found their way on board the Shenandoah and did not return on shore again. It is not improbable yet that we shall have further news of the Shenandoah.

[Inclosure 57 in No. 32.]

Extract from the Herald of February 20, 1865.

The confederate ship Shenandoah, Captain Waddell, got up steam and left Hobson's Bay at 6 o'clock on Saturday morning. During her stay in port several repairs have been effected and a quantity of provisions and coals have been shipped.

There is no doubt that she has taken away with her several men from this colony; report says eighty, but that is probably an exaggeration.

The neglect of the attorney general in not replying to Captain Waddell's questions as to the extent of the neutral limit has apparently absolved that commander from responsibility so far as carrying on hostile operations outside Port Phillip Heads is concerned, for, according to our shipping-report, the Shenandoah steamed up to [623] the *schooner Sir Isaac Newton evidently with the intention of overhauling her had she happened to be a Yankee vessel.

[Inclosure 58 in No. 32.]

Extract from the Age of February 20, 1865.

The Shenandoah left Hobson's Bay at 6 o'clock on Saturday morning. It is currently reported that she shipped some eighty men just prior to leaving. At a late hour on Saturday she was hove-to off Cape Schanck.

The police on Saturday received the following information relative to an attempt made to enlist men for the confederate service on board the confederate steamer Shenandoah.

About half past 4 o'clock on Saturday afternoon a man, who gave his name and address as George Kennedy, 125 Flinders Lane East, called at the police-office in Russell street and stated that, having seen an advertisement in the Argus, he called on the advertiser, Powell, with whom was another man, whose name he did not know. He remained in their company for several hours, during which time they supplied him with drink, and endeavored by every kind of persuasion to induce him to join the confederate service on board the Shenandoah, for which purpose they also conducted him to the wharf, and desisted from their efforts only when he openly stated his intention of reporting the matter to the authorities.

Kennedy further stated that when the men were using their endeavors to get him to join the Shenandoah there were several other persons present who accepted their offers, and whom he now believes to be on board that vessel.

A warrant has been issued by the Melbourne bench for the apprehension of the offenders.

[Inclosure 59 in No. 32.]

Testimony of Edward P. Nichols, second mate of the late bark Delphine.

I, Edward P. Nichols, do solemnly declare that I am a citizen of Searsport, Maine, and have sailed on board bark Delphine from the 23d day of March, 1861, up to the 29th day of December, 1864.

That she sailed from Gravesend on the 12th October, 1864, bound to Akyab.

That everything went on well till the 29th of December, when we saw a ship on our lee-bow, steering a little more to the southward than we were. As we came up with her she had every appearance of a merchant-ship. After a while she hoisted the English ensign and we hoisted the American ensign. She being very near in our course, we ran across her stern, and as we opened out to leeward we saw her guns. She then fired a gun and hoisted the confederate flag, having hauled down the English flag a short time before.

That we immediately hove-to; that they then sent a boat to us with two officers and boat's crew; that one officer went to Captain Nichols and asked him to show his papers; that after looking at the papers he sent the captain and first mate on board the steamer with the other officers, leaving an officer and one man on board, armed with cutlass and revolvers.

That Captain Nichols was brought back, with orders to pack up his clothes, and all on board were ordered to do the same.

That they took all the cabin-stores, liquors, charts, nautical books, and instruments, and sent them on board of the steamer, with all hands that belonged to the Delphine. They then set fire to the Delphine, and that is the last I know of her.

That after I got on board the Shenandoah, as they said she was called, we were (the captain, mate, and myself) told to sign a parole not to bear arms nor do anything against the confederate cause.

That two days before we landed we had a second parole brought for us to sign, with an addition to the first, that we should give no information that we might have gained while on board, and was told that that meant if we knew where she was going to keep it quiet; but I will say this, and not break the parole, that her life-buoy had the name "Sea King," and that her knives, forks, spoons, all bore the name "Sea King."
[624] *That I heard the officers say she was out on this coast (Australia) last year with troops.

That I heard the officers say, when they heard the report that was in the papers stating that the Sea King ran on a rock and was lost, "A sharp man, that fellow, but she is not lost yet, for here she is, going into Melbourne under the name of Shenandoah."

(Signed) EDWARD P. NICHOLS.
Second Mate of the late Bark Delphine.

Subscribed and sworn to before me, in duplicate, this 3d day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul.

[Inclosure 60 in No. 32.]

Testimony of Edward T. Lingo.

I, Edward T. Lingo, of Saint Louis, Missouri, do solemnly declare on oath—

That I shipped as steward, with my wife as stewardess, on the 1st day of October, 1864, on board the American bark Delphine, in London, England; that I sailed in said capacity on board said bark from London on the 12th October, 1864; that nothing unusual occurred until the 29th day of December, 1864, when it fell in with a steamship flying the English ensign; said steamer fired a blank shot for us to heave-to, at the same time lowering the English ensign and hoisting a confederate flag; that the said bark was then boarded by an officer in uniform from a boat from said steamer, the two officers of which boat were armed; that the said boarding-officer, who I afterward learned was named Bullock, ordered Captain Nichols and the first mate to take all the ship's papers and go on board said steamer; that Captain Nichols and the mate did so, said Bullock taking charge of said bark during their absence; that afterward said Bullock ordered all hands to pack up and go on board said steamer, which order I and my wife and all hands obeyed; that after going on board said steamer I was told by Mr. Whittle, first lieutenant, that I could take my choice either to remain in the cabin of said steamer, wait on Mr. and Mrs. Nichols and others, or go in irons; that I then consented to serve as he said, to avoid punishment; that I remained on board said steamer, serving as aforesaid, until the steamer arrived in the port of Melbourne, when I signed a parol and was then allowed to come on shore.

(Signed) E. T. LINGO.

Subscribed and sworn to in duplicate, before me, this 11th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD,
United States Consul.

[Inclosure 61 in No. 32.]

Testimony of Mary Lingo.

I, Mary Lingo, wife of Edward T. Lingo, of Saint Louis, Missouri, and stewardess on board the late bark Delphine, do declare on oath:

That I shipped as stewardess on board Delphine in London on the 1st October, 1864; that I sailed from London in the said bark about the 12th October, and that nothing unusual occurred until the 29th December, 1864, when the said bark was boarded by armed men from a steamer, and I, with the rest of the crew, was ordered on board said steamer by a person in uniform, who I afterward learned was Mr. Bullock, an officer of the Confederate States of America; that upon going on board said steamer I learned first from a boy called James, on board, that said steamer was called Shenandoah, and that she sailed from London as Sea King; that I found "Sea King" on the plate and table-cloth; that I have now with me a knife marked "Sea King," also a fork marked "Sea King," which I brought from said vessel when I left her in the port of Melbourne on the 26th January, 1865, and which I now produce.

(Signed) MARY LINGO.

Subscribed and sworn to in duplicate, before me, this 16th day of February, 1865, as witness my hand and seal of office.

(Signed) WM. BLANCHARD.
United States Consul.

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[625] *[Inclosure 62 in No 32.]

NEWSPAPER EXTRACTS, &c.

From the Herald of January 26, 1865.

A CONFEDERATE WAR STEAMER IN HOBSON'S BAY.—Considerable interest was manifested yesterday morning in the city by an announcement posted at the telegraph-office that the auxiliary screw-steamer Royal Standard had been signaled off Cape Otway after an extraordinary run of fifty-two days from Liverpool. The news was speedily promulgated through the city, and the arrival of the vessel in Hobson's Bay was anxiously looked forward to. Late in the afternoon, when the steamer had arrived at Port Phillip Heads, a telegram was received by the chief secretary announcing that the steamer reported was not the Royal Standard, as supposed, but the confederate man-of-war Shenandoah, of eight guns. The vessel at once proceeded up the channel and anchored in the bay at a few minutes before 7 o'clock, flying the confederate flag. The intelligence that a vessel of the confederate navy had arrived in our waters was speedily made known, and several boats put off to the Shenandoah, but Captain Waddell, her commander, positively declined to allow any person to come on board until such time as he had communicated with the shore. As soon as possible Lieutenant Grimble, one of the officers, was dispatched to Toorak to wait upon his excellency the governor, and request that the vessel might remain for a certain period in neutral waters for the purpose of coaling and repairing her machinery.

The Shenandoah is a steam-vessel of 1,160 tons, 240 horse-power, and carries eight large guns. She is commanded by Captain James Waddell, and the following is a list of her officers: Lieutenants, W. C. Whittle, John Grimble, J. S. Lee, F. T. Chew, D. M. Scales; master, J. M. Bullock; chief engineer, M. O'Brien; surgeon, C. E. Lining; acting paymaster, W. B. Smith; passed midshipmen, O. A. Brown and J. T. Mason; assistant surgeon, E. F. McNutty; assistant engineers, W. H. Codd, J. Hutchinson, E. Muggofery; master's mates, C. E. Hunt, J. F. Miner, L. Calbon; boatswain, G. Harwood; carpenter, J. O'Shea; gunner, J. L. Guy; sail-maker, Henry Ollcott; second carpenter, John Lynch. In addition to these officers she had a crew of seventy-five men.

The Shenandoah has been at sea since the 15th October last, and during that time she reports having captured and burned no less than eleven Federal merchantmen. The crew of the Shenandoah has been partly made up from the men on board the various prizes. The men are a fine and determined looking set of fellows. The uniform worn is a sort of yellowish gray, with a shoulder-strap of blue silk bearing a single star, surrounded by a thin gold cording. The cap is also gray, with a broad gold band.

The Shenandoah, we believe, has been off the Australian coast for the last ten days, and on her arrival off the Otway yesterday she failed to run up any colors, as the captain did not wish to be reported by the vessel going out. We believe that, under a recent proclamation, the Shenandoah will not be allowed to remain in the port more than forty-eight hours.

From the Argus of February 23, 1865.

Since October last the history of the Shenandoah has been an eventful one. There is no doubt she is indentical with the Chinese Clyde-built steam-clipper Sea King, noted for her speed, and which, when she brought troops to Auckland last year, made one of the shortest trips on record. As far as we can gather, the transformation of an English merchant-steamer into a Confederate States man-of-war took place thus:

The Laurel blockade-runner started from Liverpool with a cabin full of "likely looking young men," as the pilot called them, on the 8th of October last, and Friday, the 14th, saw her in Funchal Bay, Madeira.

The passengers did not go on shore, and were believed by the Madeira folks to be Polish emigrants. Three days afterward a large steamer, ship-rigged, steamed in and
then out the harbor, the Laurel following to the east side of the island, both
[626] flying British *colors. Here it is said the strange ship was purchased for
£45,000, and the passengers and cargo of the Laurel transferred to her.

The Laurel then went her way, and the strange steamer stood out to sea, none of the packages brought by the Laurel being broken. When beyond the neutral marine league from shore, Captain Waddell summoned the men aft and read his commission as commander of the confederate sloop-of-war Shenandoah, ordered to cruise and destroy the enemy's commerce. At that time twenty-five men constituted the whole crew, a number which, deducting officers, left five men in each watch.

To put his ship in order and arrange its armaments were the first things Captain Waddell set about doing. Sailing by day and steaming by night, the ship, now called the Shenandoah, was taken to a quiet place in the Trades, and there, comparatively secure from the enemy's cruisers, men and officers set to work with a willing mind to get her into trim. This done, the Shenandoah entered on her functions, selecting for her cruising-ground the track of vessels bound for the South American ports. Success attended her. Her plan was, when she crossed a vessel to show English or French colors and fire a gun; after which, if the other proved to be a Yankee, she was taken and destroyed, and her captain and crew made prisoners. The following is a correct list of vessels captured and destroyed by the Shenandoah:

Alina, bark, Staples master, from Akyab to Buenos Ayres; cargo of railway iron. Scuttled 29th October, latitude 16° 47′ north, longitude 16° 43′ west.

Charter Oak, schooner, Gillman master, from Boston to San Francisco; assorted cargo. Burned 5th November, latitude 7° 38′ north, longitude 27° 49′ west.

De Godfrey, bark, Hallett master, from Boston to Valparaiso; assorted cargo. Burned 7th November, latitude 6° 28′ north, longitude 27° 6′ west.

Susan, brig, Hansen master, from New York to River Plate. Scuttled 10th November, latitude 4° 20′ north, longitude 26° 39′ west.

Kate Prince, for Bahia; neutral cargo. Ship bonded the 12th November.

Adelaide, bark, of Baltimore, to River Plate; neutral cargo. Ship bonded for $23,000.

Lizzie M. Stacey, schooner, New York to Sandwich Islands; assorted cargo. Burned 13th November, latitude 1° 40′ north, longitude 28° 24′ west.

Edward, whaling vessel. Burned 4th December, latitude 37° 47′ south, longitude 12° 30′ west.

Delphine, bark, from London for Akyab. Burned 29th December, latitude 29° 10′ south, longitude 69° east.

The larger portion of the sailors taken prisoners volunteered to join the Shenandoah, and were accepted; the remainder, all but a few, were transshipped to other vessels met with on the high seas. The remnant were eight men, besides Captain Nichols of the Delphine, and wife and stewardess, who were brought hither. Unassisted, but unimpeded, they made their way out of the Shenandoah very shortly after the vessel's arrival in Hobson's Bay, and before permission to land them, for which application was made to the government, could be afforded.

* * * * * * *

About this time, and in answer to a hint from the government respecting the need of an early departure, Captain Waddell addressed the government thus in one of his letters:

"I am extremely anxious to get the Shenandoah to sea. The procrastination by the parties employed under his excellency the governor's permission for the necessary repairs to this ship seems to me unnecessary; and if I appeal to his excellency the governor for further instruction to those employed to hurry up the work on this ship, I hope his excellency the governor will see in it the spirit of a law-abiding man, and one impatient to be about his country's business."

The government by their action appeared to admit the necessity of the delays, and not until twelve days after the ship had been in port asked that a day should be named for her departure. Captain Waddell again replied that the delays were caused by the difficulty of getting the ship on the slip and the notorious effects of some severe gales, which once caused the Shenandoah to get adrift, and nearly occasioned very serious damage.

These reasons were apparently admitted to be good, and eventually, on the 14th February, Captain Waddell announced to Mr. Francis that he expected to get to sea by the Sunday following. Hitherto the only public expression of ill-feeling emanated from Mr. Berry, a member of our lower house of legislature. In his place in the legislative assembly, he called the attention of the government to the subject, stating that the Shenandoah, being in reality the Sea King, and an English vessel, should be seized under the neutrality proclamation. In reply, the chief secretary pointed out that [627] there *was nothing which could be accepted as proof of the honorable member's assumption, and Mr. Berry received an unmistakable snubbing at the hands of several other members of the house, including Mr. O'Shannassy, whose remark that Mr. Berry might as well have let the matter alone was cheered in all parts of the house.

* * * * * * *

The instructions given to the police will be best described in the following telegram:

Telegram from Mr. Standish, chief commissioner of Victorian police, to Mr. Bearer, police inspector, stationed at Williamstown.

"I have to direct that you communicate with Mr. Chambers, the lessee of the patent slip, that the governor in council has given direction that he and all other British subjects in this colony at once desist from rendering any aid or assistance, or perform any work in respect to the said classed confederate ship Shenandoah, or in launching the same. You will at once proceed with the whole of the police at your disposal to the patent slip, and prevent, at all risks, the launch of said ship. Superintendent Lyttleton and fifty men, also fifty of the military, proceed at once to Williamstown, telegraphing anything that may occur direct to me.

(Signed) "F. C. STANDISH.

"TUESDAY, *February* 14, 1865."

The military, fifty men of the royal artillery, started, but were countermanded. When affairs were at this stage, Captain Waddell received a letter from Mr. Francis, on behalf of the government, charging him with having refused permission to execute the warrant, and calling upon him to reconsider his determination, pending which the permission granted to repair and take supplies was suspended.

Captain Waddell at once replied that the execution of the warrant had not been refused, but only permission to "search" the ship whose deck represented the majesty of the flag that flew over it. He added, moreover, that the shipping-articles had been exhibited to show that no one had shipped while the vessel was in port, and that he had ordered two commissioned officers to search the ship, but they had found no strangers. He concluded by entering, in the name of his government, his solemn protest against any obstructions that would cause the detention of his ship. The day's proceedings were closed by the captain giving orders for the launch of his ship the next morning.

An episode occurred here that belongs to this narrative. At a few minutes after 9 p. m. on that evening, the police, who were stationed all around the vessel and within a very few yards of her, saw four men come down the gangway into a boat alongside. The water-police close by followed this boat, which was rowed swiftly away, but the end was that the four men were arrested on shore, and subsequently identified by some deserters as men whom they had seen concealed on board, one being the identical Charley.

Next day they were brought before a magistrate and remanded until the following day, Thursday.

Meanwhile, on Wednesday morning, Captain Waddell, finding that the launch of his vessel, which was securely fast on the patent slip, was prevented by the order of the government, wrote at once to Mr. Francis, declaring his vessel to be seized and asking if the governor approved of this.

At 45 minutes past 1 o'clock on the same day the governor, by proclamation, revoked the prohibition to launch, and a letter from Mr. Francis to Captain Waddell intimated that, as it was reported that the safety of the ship was endangered by her position on the slip, the suspension of the permission to British subjects to assist in the launch was withdrawn. In consequence the ship was launched the same evening.

Late at night Captain Waddell received the following communication:

"CUSTOM-HOUSE, *Melbourne, February* 15, 1865.

"SIR: I am directed by his excellency the governor to further acknowledge your communication of the 14th and 15th instant, in which, alleging that the vessel under your command has been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

"I am to inform you, in reply, that the government has not directed or authorized the seizure of the Shenandoah.

[628] *"The instructions to the police were to see that none of Her Majesty's subjects in this colony rendered any aid or assistance to, or performed any work in respect of, your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date, in regard to a British subject being on board your vessel and having entered the service of the Confederate States in violation of the British statute known as the foreign enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by Her Majesty's subjects.

"In addition to evidence previously in the possession of this government, it has been reported by the police that about 10 o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water-police.

"It appears from the statements of these men that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge and by yourself, when you declared that there were 'no persons on board this ship, except those whose names are on our shipping-articles.'

"This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position to state that one of the four men previously alluded to is ascertained to be the person in the warrant. I am also to observe that, while at the moment of the dispatch of your letter it may be true that these men were not on board the Shenandoah, it is beyond question that they were on board at the time it was indited, your letter having been dispatched at 5 minutes before 10 o'clock.

"It thus appears plain, as a matter of fact, that the foreign-enlistment act was in course of being evaded.

"Nevertheless, as the only person for whose arrest a warrant was issued has been secured, and as you are now in a position to say, as commanding officer of the ship and on behalf of your government, whose faith is pledged by the assurance, 'that there are no persons on board this ship, except those whose names are on our shipping-articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port,' his excellency the governor has been pleased to revoke the directions issued yesterday suspending permission to British subjects to aid and assist you in effecting the necessary repairs and taking in supplies.

"I am to add it is expected you will exercise every dispatch so as to insure your departure by the day named in your first letter of yesterday, viz, Sunday next.

(Signed) "JAS. G. FRANCIS.

"J. J. WADDELL, esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

To this Captain Waddell replied next day by thanking his excellency the governor for his observance of the rights of belligerents, denying that the men arrested formed any part of his complement, but were stow-aways, detected after a further search, and at once ordered over the side, and declaring that in no way could he be accused of an evasion of the foreign enlistment act. He ended thus, addressing Mr. Francis, "In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I shall take an early opportunity of forwarding it to the Richmond government."

This closed the correspondence between Captain Waddell and the government.

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[629] **From the Argus of February* 2, 1865.

Proceedings of legislative council, February 1.

A discussion arising out of the presence in Victorian waters of the confederate war steamer Shenandoah took place in the legislative assembly yesterday. Mr. Berry, who initiated the discussion, called attention to the Queen's proclamation of May, 1861, declaring that the arming and sending out of vessels, with the view of handing them over, by sale or otherwise, to a belligerent was a misdemeanor, and that the vessel was liable to confiscation by any officer having competent jurisdiction in any port of Her Majesty's dominions. There was abundant evidence (said Mr. Berry) that the vessel now in Hobson's Bay was the Sea King, which cleared from London about the 8th of October for Bombay with a cargo of coals, and that she had destroyed vessels at sea, some of them being loaded with cargo belonging to British subjects. He held that there should be as great an observance of neutrality laws here as in any other part of the British empire, and he begged to ask whether the government intended to take steps to confiscate the Shenandoah and to punish the officers for a misdemeanor.

The chief secretary observed that, beyond reports and rumors, there was no proof that the confederate vessel was formerly the Sea King. At the same time the government were fully alive to the importance of the subject. During the last week they had given considerable attention to the question, and they had arrived at the conclusion that, on the information before them, they would not be justified in treating the Shenandoah as a pirate. It would, however, be the duty of the government to see that strict neutrality was maintained, and with that view the vessel would be allowed to remain in port only so long as would be actually necessary for victualing and repairs.

WEDNESDAY, *February* 1, 1865.

The speaker took the chair at half past 4 o'clock.

PAPERS.

Mr. Francis laid on the table copies of the papers and correspondence relative to the branch railway at Echuca.

PETITIONS.

Petitions were presented by Mr. Riddell, from the inhabitants of Essedon and its neighborhood, praying the government to purchase and reopen the Melbourne and Essedon Railway; and by Mr. Easey, from the inhabitants of Raywood, in favor of the new tariff.

NOTICE OF MOTION.

Mr. Harker gave notice that next day he would move the house into committee of the whole for the purpose of considering the following resolutions: "That it is necessary, for the satisfactory representation of the people in this house, that members be compensated for their attendance; that in the opinion of this committee such compensation should be the sum of ——— per annum; and that an address be presented to his excellency the governor requesting that he will cause a sum to be placed on the estimates for the above purpose."

THE POLICE FORCE.

Mr. Crews asked the honorable the chief secretary if it was the intention of the government to bring in a bill to amend the law relating to the police force, if provision would be made for members retiring therefrom, and if the twenty-fourth clause of the present police act was carried out in cases where members of the police force had retired from the service.

Mr. McCulloch said the government intended to introduce such a bill so soon as the tariff was disposed of. In that measure retiring allowances would be provided for. The twenty-fourth clause alluded to had been repealed some years since.

THE CONFEDERATE WAR STEAMER SHENANDOAH.

Mr. Berry, in rising to call the attention of the government to this subject, would briefly state the object he had in view. That object was simply that no act of the government or people of this colony should tend to complicate the relations of the mother country with a friendly nation. He did not wish to enter into the question [630] of the rights *of either of the two belligerents at all, but only to deal with the question from an English point of view, [Oh, oh!] and to see whether the proclamation made by Her Majesty in 1861 had not been grossly violated in the matter of a vessel now lying in Hobson's Bay.

The speaker called the honorable member to order. In putting a question no honorable member was allowed to state an opinion or to go beyond the mere facts of the case. [Hear, hear.] Otherwise there was no knowing what discussion might not ensue.

Mr. Berry intended strictly to confine himself to a mere statement of facts. He believed it would not be denied that evidence existed in this city that clearly and unmistakably showed the real name of this vessel to be the Sea King, because on that fact he founded nearly the whole of his remarks. [An honorable member, "There is no such evidence."] Mr. Berry continued to say that the Sea King was a vessel which sailed from London about the 8th October last, bound for Bombay with a cargo of coals, and all that was heard of her since, that he was aware of, was a report which reached this country in an English paper some time back. He had found it in a Manchester paper of 19th November last, which alluded to her under the title of the confederate cruiser Shenandoah, late Sea King. The paper stated, " We received a letter yesterday from part of the crew of the Sea King, who returned to England in the African steamer Calabar. The men state that the Sea King is now called the Shenandoah. So the paper went on to allude to the men who came back after having gone out in the Laurel, and this was an important part of the facts of the case.

In addition to that, he believed that within the last few days, since this vessel had arrived in Hobson's Bay, it had become a matter of public report, never denied, and stated in the public newspapers, that she was without doubt the Sea King. Besides, he had had placed personally before him still stronger evidence that such was the case. He had seen the depositions of prisoners taken out of different vessels, who stated that it was openly admitted on board, both by the captain and officers, that the original name of this particular vessel was the Sea King.

In fact, the first lieutenant of the Shenandoah came out in the Sea King, while the captain and the rest of the officers came out in the Laurel and then joined the first vessel at the island of Madeira. The armament of the Sea King was, it seemed, brought out by the Laurel, packed in boxes, and so put on board.

The position he took up was that, under the proclamation of neutrality by Her Majesty, had the Shenandoah returned to any English port after having destroyed other vessels, she would have been instantly seized and condemned, and he could see no reason why, because she had gone a much greater distance and arrived at a colony of the British empire, that she should be treated differently. The colony was a part of the British empire, and the government were bound to carry out the neutrality laws as if we were within the bounds of the mother country herself. It was not necessary to state any further facts on this part of her case. At all events, sufficient evidence had been given to cause inquiry as to how it was that a British vessel, sailing for a peaceful voyage to Bombay, and having subsequently gone into another port, suddenly appeared in another part of the British empire after having destroyed many vessels at sea, some of them loaded with English cargo and owned by Englishmen. If that were the case, it would not be necessary for him to read any portion of the proclamation, on the strength of which he had now spoken. It was no doubt well known to the government that, by the second section, it was not only made a misdemeanor to arm or fit out such vessels, but also to send ships out to sea with a view of handing them over, by sale or otherwise, to either of the belligerents. Such persons were not only made subject to punishment, but their ships were liable to confiscation by any officer having competent jurisdiction within the British dominions. He had stated the fact without reference to individuals. If this vessel were proved to be the Sea King, and there was abundant evidence for the government she was, he wished to inquire why the confiscation of the vessel was not carried out under the neutrality proclamation, leaving out of the question who were the parties, or their representatives, indictable for misdemeanor. He doubted if he need go further. The only object he could possibly have was, that the facts should be prominently and unmistakably brought under the notice of the government.

He took it that they would be anxious to enforce the spirit of this proclamation the same as at home, [Mr. Francis, " Hear, hear."]

He would, however, point out that whatever might have been the looseness of construction of this proclamation in the earlier stages of the war, there was no such looseness on the part of the English government now. The honorable chief secretary would bear in mind that the rams fitted out in Laird's yards were stopped by the British [631] *government; and, on the other side, the last mail brought news that certain passengers and emigrants from Liverpool to North America were also stopped under the first clause of this proclamation, which prevented enlistment for either of the belligerents.

The fact of the British government enforcing this proclamation so strictly supplied important additional reasons why every attention and care should be given to the subject. It must be within the knowledge and memory of the honorable chief secretary that all the vessels destroyed on such a cruise as that of the vessel now in Hobson's Bay would at some future time be claimed by the American Government from the British government. Here was this vessel. She had touched at no port, and no one could tell whether or not she had authority from the confederate government, because there was no authority here to test the validity of a confederate commission. It must be clear to any mind that the parties in possession of this vessel were on the horns of a dilemma. If she were the Sea King——

The Speaker: The honorable member is not in order.

Mr. Berry would only say that if she were the Sea King, on her voyage to Bombay, as the declaration stated, she might have been seized against the will of her owners, and so converted into a pirate. If so, she was subject to be dealt with as having been taken against the will of her owners. If she could not be dealt with as a pirate, the owners were on the other horn of the dilemma, insomuch as she had committed a breach of the second clause of the proclamation to which he had alluded, and should be on that ground confiscated by the government. Having brought this matter forward, he should conclude by saying he was quite sure there was abundance of evidence to prove that the vessel in question was the Sea King, and ask the honorable chief secretary, pursuant to notice, whether the government intended to take steps to confiscate this vessel and to punish the officers for a misdemeanor, in accordance with the provisions of the proclamation alluded to.

Mr. McCulloch, in reply, had no hesitation in saying that this question was a most important one, and should be dealt with in a most cautious manner. [Hear, hear.] Under all the circumstances of the case, it would be well if at this present time the house did not go as fully into the discussion of the various matters and alleged facts respecting this ship as would be required in the Imperial Parliament. The honorable member had stated that this vessel was the Sea King, but what proof had he? [Cries of "Hear, hear," from all parts of the house.] There were the newspaper reports, and a letter addressed to a newspaper in Manchester, that the Shenandoah was the Sea King, but the honorable member had not brought forward one single particle of proof to substantiate anything that went beyond that. [Hear, hear.] He said reports were going abroad in this city, and he (Mr. McCulloch) had heard it stated that the remains of the Sea King were to be seen on the sides of the ship; but was that any evidence of the transfer which it was said had taken place? [Hear, hear.] And even if such were the case, it was a question if the government could deal with the ship as a pirate. [Hear, hear, and cheers.] The government had done a great deal in discussing this question. For the last week they had given a considerable amount of attention to it, desiring to observe as strictly as possible the rules laid down for the guidance of this and all other colonial governments.

In dealing with this vessel they had not only to consider the terms of the proclamation referred to, but also the confidential instructions from the home government; and, moreover, they had had brought before them the case of a vessel in exactly the same position as the Shenandoah. All the circumstances which occurred with regard to this other vessel were in the possession of the government, and would be weighed in connection with the present matter; but he believed the government would not be at all justified in treating this vessel as a pirate. [Cheers.] While insisting, as a matter of course, that strict neutrality should be maintained as far as possible, he would observe that this vessel had only been allowed to remain in port so long as was necessary for taking on board the supplies necessary for the support of her crew, and to complete repairs which were necessary to allow the ship to go to sea. Beyond this the government would not move in the matter. [Hear, hear, and cheers.]

Mr. Berry, before the discussion closed, wished to say that he had omitted a good deal of what might be brought forward, being in expectation that his statement would not have been denied. He would like, to make his case complete, to read, for the information of the chief secretary, a deposition given in his presence that day by one of the passengers, a lady, taken by this vessel. [Cries of "Order," and "No, no."] If the matter was of the importance stated, any information given to the government ought to be freely availed of by them. It was only a short deposition, and would not take long to read.

Mr. Higinbotham objected to the course now taken. This was not the proper [632] place *or time [cheers] for the honorable member to read a document which might perhaps provoke discussion as to its value and effect. If it was considered at all, it should be considered by the government in private.

Mr. O'Shanassy wished, on the point of order, to speak to the statement made, that this vessel was taken by force at sea, and against the consent of the owners.

Mr. Berry: I did not say so.

Mr. O'Shanassy would, however, point out that in that case the owners would have applied to the British government, who were the proper authorities, and not the colonial government. If this vessel was not taken by force, but sold, then the charge of piracy fell to the ground. He (Mr. O'Shanassy) concurred in what had fallen from the honorable attorney general, that an *ex-parte* statement ought not to be received in that house. It was only fair to all parties that no favor should be shown either on one side or the other. What did the French Government do in respect to the Alabama? They gave her permission several times to refit, and the Florida remained in one of her ports for months. Why, then, should this colony refuse to do to a vessel which came here that which other powers were willing to do, and this with experience to guide them? The honorable member might as well have let this matter alone. [Cheers from all parts of the house.]

Mr. Lalor said it struck him that the house was wrong to discuss the matter. His excellency the governor was the representative of Her Majesty, and he alone had full powers to deal with this matter. [Hear, hear.] He (Mr. Lalor) did not know the law of the case, but he believed that the governor alone could deal with a vessel belonging to a foreign power. He protested against a discussion which was unfair to all parties, and might compel honorable members to take sides. He hoped the matter would not be pressed further, unless full notice were given, and then both sides could be heard. At the same time, he might mention that he took a view altogether opposed to that of the honorable member for Collingwood. [Cheers.]

The matter then dropped.

From the Age of February 16, 1865.

Proceedings of legislative council, February 15. As to execution of warrant on board.

In the legislative council yesterday, the president being absent through illness, Dr. Wilkie, the chairman of committees, took the chair at a quarter past 4 o'clock.

Mr. Fellows asked the commissioner of public works, without notice, what steps had been taken by the government with reference to an attempt to execute a magistrate's warrant on board the Shenandoah.

Mr. Hervey explained that a warrant had been granted upon information of certain persons having been shipped on board the Shenandoah contrary to the laws of neutrality, and that a police officer had been dispatched with the warrant to search the ship. He was denied permission to execute the warrant, and the government determined to suspend the privileges which had been granted to the commander of the Shenandoah on his entering the port. Four persons who had been shipped in contravention of the neutrality laws had been captured by the police in attempting to escape, and were now in custody. The commander of the Shenandoah having stated upon his honor as an officer and a gentleman that, the ship having been cleared of strangers, there was now no person on board who was not there when the ship entered the port, the government had granted a resumption of the privileges they had suspended, upon leave being refused to search the ship.

On the motion of Mr. Fraser, twelve months' leave of absence from the 1st of March was granted to the Hon. T T. A. Beckett. The land-act amendment bill was further considered in committee, Mr. James Henry acting as chairman. The bill was reported to the house, and the adoption of the report made an order of the day for Tuesday next. The house adjourned, at seven minutes past 5 o'clock, until Tuesday the 21st instant.

PARLIAMENT OF VICTORIA—LEGISLATIVE COUNCIL.

WEDNESDAY, *February* 15, 1865.

The clerk announced at a quarter past 4 o'clock that he had received a note from the president to the effect that he was prevented by illness from attending the sittings of the council that afternoon.

Dr. Wilkie, the chairman of committees, accordingly took the president's chair and read the usual form of prayer.

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*THE SEIZURE OF THE SHENANDOAH.

Mr. Fellows rose to ask the commissioner of public works, without notice, whether the government had received any information with reference to an attempt to execute a magistrate's warrant on board the Shenandoah, now on the patent slip at Williamstown, and if so, what steps they had taken in the matter. He apprehended as far as the law of the matter went, that if any foreign merchant-vessel visited these ports, she owed a temporary allegiance to the laws of this country, and was subject of course to the jurisdiction of the colonial courts. An implied consent was given to a ship of war or armed vessel belonging to another country to enter these ports, and there was also an implied consent on the part of the power giving permission to enter the port, that a vessel of that character should not be subject to any jurisdiction of the courts of that power. This being the case, he wished to know what action the government had taken in the matter. He might remind the honorable member, with reference to the protection foreign vessels were entitled to claim, that it had been decided in the court of admiralty that a merchant-vessel leaving a country and returning under commission from a foreign power, and being brought before the court by her former owners, the latter were not in a position to recover, because the ship was owned by a foreign power.

Mr. Hervey wished to know if he was desired to answer the whole question at once without notice.

Mr. Fellows: Merely whether the government have taken any steps to execute the warrant.

Mr. Hervey then stated that the government had received notification of an information having been laid before the police bench at Williamstown to the effect that a certain individual had been shipped on board the Shenandoah contrary to the neutrality laws of this country in regard to the Confederate and Federal States of America. The commander of the Shenandoah on entering these waters had sought the protection of the colonial government, and certain facilities for repairs and obtaining of supplies, such as a neutral power was justified in giving, had been granted at his request. He was informed that it was the intention of the government to observe strict neutrality, and he gave that pledge which would be expected from any person in his position that he would strictly observe the laws of neutrality. Complaints, however, were made of a number of British seamen having joined the ship since she entered these waters, and proceedings were taken upon several depositions which had been made with regard to British subjects being on board the vessel. An officer of the police was sent with a warrant on Monday to arrest a man sworn to be in the ship. The commander of the vessel was not on board at the time, and the chief officer declined to permit the warrant to be executed until the captain returned. On Tuesday the same officer of police was dispatched with a warrant, and the captain refused to allow it to be enforced. In all similar cases when a warrant was sent on board a foreign vessel, it was usual for the authority to be recognized, and if the officer of police, in whose possession it was, was not asked to exercise it, it was executed by the police of the vessel, there being ship-police on every vessel of war. In this case there was a positive refusal to permit the warrant to be executed at all. Numerous affidavits having been made that many persons had been induced to ship on board the Shenandoah, the government determined to suspend the privileges granted to the commander on condition of his observing the neutral laws, and in order that this direction should be properly carried out without violence, a body of police was sent down to Williamstown to see that none of Her Majesty's subjects infringed the order which had been issued on the subject. A communication was sent to the commander explaining to him the circumstances under which the privileges previously granted him had been suspended. The police, under instructions to carry out the order, remained near the vessel all night, and about 10 o'clock they observed several persons attempting to escape from the Shenandoah by means of a swift waterman's boat. The water-police pursued and captured the boat, which contained four persons, who proved in each instance to be men who had joined the Shenandoah since her arrival in these waters. Three were British subjects and one was not, but still it was necessary that the fourth individual should have obtained permission before shipping. A letter the captain of the Shenandoah wrote, in answer to the communication of the government, distinctly stated that when the officer of police visited the ship he had no individual on board who was not there when the vessel entered Victorian waters, but it was now known that several men who shipped in Hobson's Bay had escaped, in addition to the four who were captured. The captain of the Shenandoah then wrote to say that, having cleared the ship of strangers, he was enabled to say on his honor as an officer and a gentleman that there was no person on board (as he had ascertained by the inspection of two commissioned officers [634] *appointed for the purpose) who was not there when the vessel came into port.

Upon this statement, made on the strength of the ship having been cleared of strangers, the government had to-day authorized the resumption of the privileges formerly granted to the commander of the Shenandoah, reserving to itself, however, the decision upon certain points which would all be made public when the measures which would be passed on the subject were brought forward.

Mr. Hull asked if the violation of the laws of neutrality would be followed up by any further proceedings.

Mr. Hervey replied that the men in custody were to be brought before the Williamstown bench on the following morning.

Mr. Fellows: Under what authority was the permission for carrying out repairs suspended?

Mr. Hervey: Upon the authority of the representative of Her Majesty, of course.

From a Melbourne paper, dated February 16, 1865.

SEIZURE OF THE SHENANDOAH.—Great excitement prevailed in town yesterday relative to the alleged seizure of the Shenandoah by the Victorian government, and it was stated by many persons that the government had overstepped their powers in making such a seizure. It will be seen, however, that no seizure at all was made, and that the authorities merely restrained British subjects from assisting in repairing the vessel until the neutrality regulations had been observed. Taking up the narrative of events at the point reached in our yesterday's issue, we may remark that the surmise was correct that an attempt would be made to launch the Shenandoah yesterday morning.

At about a quarter to five a. m. the steam-tug Black Eagle was seen approaching the ship, and when within hailing distance was challenged by the sentries who are stationed on the piers on either side. The reply to the challenge was that the tug had been engaged to come at that hour for the purpose of towing out the Shenandoah. The master of the tug was forbidden to approach any nearer, and after some parleying he steamed out again.

At 3 o'clock yesterday afternoon Mr. Superintendent Lyttleton, who had been to Melbourne for instructions, returned to Williamstown, and, in accordance with an order which he had brought from the governor, withdrew the police who had been put in charge of the Shenandoah. A considerable number of people had crossed over from Sandridge in expectation of some sensational scene, but the affair passed off very quietly. The repairs of the vessel are now completed, and when she has taken in some coal she will be ready to proceed to sea.

From the ministerial explanation given below, and which was made in the house yesterday, it will be seen that four men, British subjects, were arrested on Tuesday evening upon leaving the Shenandoah, and that one of these was the man Charlie, for whom the warrant had been issued.

When arrested, they gave their names as James Davison, Franklyn Glover, ——— Mackenzie, and ——— Walmsley. They were brought up before Mr. Call, police magistrate, this morning, and shortly examined; but as Mr. Call had to attend the police court at Footscray, he adjourned the inquiry until the following morning.

THE MINISTERIAL STATEMENT IN THE ASSEMBLY.—As soon as the speaker had taken the chair in the legislative assembly yesterday:

Proceedings of legislative assembly, February 15.

Mr. O'Shanassy rose and said: Seeing the honorable the chief secretary in his place, I would wish to ask him without notice if he would be good enough to lay on the table a copy of the correspondence that has passed between the government and the commander of the confederate steamer Shenandoah since her arrival in this port.

Mr. McCulloch said: I cannot at present consent to lay the correspondence on the able of the house, as it would be undesirable to do so. If the honorable member wishes information as to what has been done with the ship, I have no objection to make a general statement on the subject.

Mr. O'Shanassy: My reason for asking that the correspondence should be laid on the table is that honorable members, and also the people of the country generally, should know exactly what has been done. In a general statement the information is not so correct; but I do not mean that it is intentionally so. If there are any reasons for withholding the correspondence, I would not press for it.

Mr. McCulloch: This correspondence passed between his excellency the governor and the commander of the Shenandoah. It was not with the government. As [635] honor*able members are aware, this vessel arrived in the bay some three weeks ago. The captain at once put himself in communication with his excellency, and asked that he might be permitted to have certain repairs made, and to obtain such supplies as were necessary to enable him again to put to sea. The government at once put themselves into a position to ascertain from all dispatches that had been received, and by giving the fullest consideration to Her Majesty's proclamation, the course that should be pursued. The result was that Captain Waddell was informed that he would obtain liberty to make all necessary repairs to enable his vessel again to go to sea, and to take in necessary supplies of provisions. At the same time his attention was called to the necessity of his keeping within the strict terms of neutrality. Captain Waddell acknowledged the act of the government, stating, at the same time, that he would maintain a strict neutrality. Some time elapsed and nothing was done, in so far as few repairs were being executed on the ship. The government, in order to secure that a position of strict neutrality was maintained, appointed a board to inquire and report as to what repairs were necessary to render the vessel fit to go to sea; not that she should be so repaired as to make her better fitted as a war-ship, or for the purpose for which she was fitted out, but that she should only be made fit to go to sea from this port. It was found that certain repairs were necessary, and that, for the completion of those repairs, the vessel would have to be taken on to the slip. And here I may remark that it has been stated that this is the government slip; but it is nothing of the kind. In one sense it is the government slip, but in another it is not, as it has been leased to a private individual. The ship has been on the slip for several days. Within the last two or three days information has been forwarded to the government to the effect that there were certain parties concealed on board the ship—Englishmen who had gone on board since the vessel arrived in this port, and that with the view of joining the ship as seamen. Such being contrary to the provisions of the foreign-enlistment act and the proclamation of Her Majesty, the government found they could not shirk dealing with the matter; and, as the information was furnished on sworn affidavits, the government felt themselves obliged to take immediate steps to ascertain if the neutrality of the port had been violated; for, while the government was bound to observe strict neutrality toward the vessel, her officers and crew, they were also bound to demand that Captain Waddell should with equal strictness observe the neutrality of the port. [Cheers.] Well, a warrant for the apprehension of an Englishman named Charley, a native of London, was issued by the Williamstown bench. The warrant was presented on Monday evening. The captain was not then on board, and so the warrant was presented to the first lieutenant. That officer refused to allow the inspector of police to go on board to ascertain if Charley was on board, at the same time giving him distinctly to understand that there was no such person on board. Well, the government did not wish at that time to take decided steps, as the captain was not on board when the inspector visited the ship. The inspector was, however, instructed to go on board again when the captain was there. He went next morning, (Tuesday morning,) and met the same reception from Captain Waddell, who stated on his honor and faith as a gentleman and an officer that there was no such person as Charley on board. Well, the government had so many distinct statements made to them by persons resident in Melbourne that there was such a person on board that they considered they were obliged and bound in duty, both to this colony and to the mother country, to take all proper steps to ascertain whether such was the case or not—whether this man was on board or not. The government, having given a considerable amount of anxious attention to all the points on the subject, which may yet turn out to be a matter of very considerable importance, came to the conclusion that the governor should issue an order under the foreign-enlistment act; and, looking to the strong proofs we had before us of the violation of the act, we felt bound to issue orders to all Her Majesty's subjects that they should refuse to continue the task of repairing the vessel, and should not give any aid in launching the ship till the government was satisfied that the documents that had been put in their hands stating that there were Englishmen on board were incorrect. At the same time a letter was sent to Captain Waddell calling his attention to all the circumstances of the case, and asking him to reconsider his determination; pointing out to him that this was a violation of an act of the British Parliament by a British subject, and that he ought to put the government in a position to ascertain whether that person had been guilty of violating the acts of this country. His attention was also called to this circumstance, that it was desirable for his own sake, if those statements were false, that he should put the government in a position of being able to prove that they were false, and of bringing the parties to punishment for making such statements. This letter was delivered to Captain Waddell yesterday, about 6 o'clock in the afternoon, and the messenger waited for an answer. At 10 [636] o'clock last evening a letter in reply was *forwarded to the commissioner of trade and customs. And here he wished to point out that Captain Waddell kept the messenger waiting for four hours. [Hear, hear.] The letter, which was dated last night, was dispatched by Captain Waddell at 10 o'clock—at 10 o'clock last night. In this letter he again refuses to allow the warrant to be executed; or, rather, he states that he did not prevent the execution of the warrant, because it was for a person named Charley, and there was no such person on board the ship. [Cries of Oh, Oh.] He again repeated his statement that there were no parties on board the ship but those who were on board when she entered the bay, and stated at the same time that he had observed the strictest neutrality. This letter came into my possession at 1 o'clock in the morning, and at 7 o'clock this morning I was informed that four men last night were detected leaving the vessel about 10 o'clock at night, or about the time the document furnished to me was dispatched. These men were in a waterman's boat, and the water-police endeavored to overtake them, but did not succeed in doing so until they arrived at the Sandridge railway-station. Well, on examination we find that those parties were not on board when the ship came into the port, but joined here. [Cheers.] They were persons who ought not to have been allowed to join, and who ought not to have been concealed. [Cheers.] We have now discovered that one of those four persons who left the ship at 10 o'clock last night, or about the time the letter was dispatched, was the very man Charley for whom the warrant was issued. [Cheers.] I think the course the government has taken will justify us, not only in the estimation of the house, [cheers,] but I am sure it will be admitted that the government has taken the proper course to carry out and support the intention of the British Parliament in respect to the foreign-enlistment act, [cheers,] and the intention of the proclamation of Her Majesty with respect to the observance of neutrality. [Cheers.] There is no doubt that this man Charley, for whom the warrant was obtained, and of whom we are assured that he was not on board, was in the uniform of the ship, on various occasions at all events. [Hear, hear.] Now, it appears to me and to the government that if anything can be a violation of strict neutrality, this is it. [Cheers.] My honorable colleague, the minister of justice, reminds me that we have not yet proved that this man Charley wore the uniform of the ship, but we have the statement of various parties that such was the case; and, as they are to be brought before the police court to-morrow morning, I have no doubt but further information will be received on the point. [Cheers.] In the mean time the government have obtained what they really desired to obtain in the first instance, that all the parties who joined the ship illegally should be removed from the vessel. [Cheers.] That having been done, we have removed the suspension of leave to Her Majesty's subjects to carry out repairs and to assist the vessel off the slip. [Hear, hear.] Captain Waddell will, of course, be ordered to remove from this port at the very earliest possible date. [Cheers.]

Mr. Levey: So far as I gather from the statement of the honorable the chief secretary, the government is not aware even now that all the persons who may have joined the ship here are out of her. [Hear, hear.] Captain Waddell, it seems, denied the authorities the right to search the ship for British subjects who were said to be on board in violation of British laws, and he further denied that the person for whom the warrant was issued was on board, while, as has since been ascertained, the man was on board. I think that the fact of persons having left—persons whose presence on board was denied—affords good reason for believing there are other persons on board. [Hear, hear.]

Mr. McCulloch: The particular warrant that was issued for this particular individual has been satisfied, and if further warrants are issued for other persons who may be on board, the position of the government will be altered. It may be that there are other persons on board, but we have no information to that effect. I may state that it is the intention of the government to refer all the particulars of the case to the imperial government, and the various points in the case that have turned up. [Cheers.]

Mr. O'Shanassy: This is an important and somewhat novel case for us. The honorable the chief secretary states that the government issued a warrant for the apprehension of a particular person, and on the strength of that warrant it was sought to establish a right of search.

Mr. McCulloch: The government had not issued the warrant. The warrant was issued by a police magistrate at Williamstown, on sworn information. Neither was there any right of search claimed by the government, though Captain Waddell laid great stress upon that. Now, it was nothing of the kind. The warrant was simply for the apprehension of one of our own subjects who had committed a breach of our own laws. [Cheers.]

Mr. Berry: It appears to me that the captain of this vessel took advantage of the privileges of a neutral port, and how was the government to see that the neutrality [637] of *the port was observed, as it was their duty to do, if the police were not allowed to to execute a warrant, not against the ship or the captain of the ship, but against a British subject. [Hear, hear.] As to the question of the right of search set up by the captain, it has nothing to do with the case, and seems to me to be a mere subterfuge. [Cheers.] It is the duty of the government to see that this vessel strictly observes the neutrality proclamation, even though they should have to go on board against the will of the captain or any of his officers. For anything that can be known to the government, unless an examination is allowed, it might be that this vessel is now being fitted up both so as to increase her speed and render her more efficient for war purposes. Now, I again ask, can that be ascertained without an examination? It may be that at the very last moment it will become the duty of the Government to stop the vessel. [Hear, hear.] If the government cannot do so, then this neutrality proclamation simply affords additional facility for the vessel of a belligerent power entering a neutral port to be better equipped for war purposes.

The matter then dropped.

From the Herald of February 23, 1865.

LEGISLATIVE COUNCIL, WEDNESDAY, *February* 22, 1865.

The president took the chair at 12 minutes past 4 o'clock, and read the usual form of prayer.

THE SEIZURE OF THE SHENANDOAH—MR. HIGHETT'S MOTION.

Proceedings of legislative council, February 22. Motion for papers.

Mr. Highett, pursuant to notice, moved that an address be presented to the governor, praying that his excellency would cause to be laid on the table of the house copies of any instructions received from the home government relative to the reception and treatment of ships of war of foreign nations visiting this port, more especially in relation to those of belligerent powers. He said that the correspondence which had recently taken place between the government and the commander of the Shenandoah had caused great excitement in the public mind. The majority of the public were of opinion that it should have taken place between the governor and the commander of that vessel. His motion set that at rest.

Mr. Hull seconded the motion.

Mr. Hervey said that beyond what had been published any dispatches were confidential, and his excellency would, therefore, not give them up. Under these circumstances he hoped the honorable member would withdraw his motion.

Mr. Cole supported the motion.

Mr. Hull referred to the imbroglio that took place between Lieutenant Lowe, of the confederate tender to the Alabama, in Table Bay, and the governor at that port, and stated that the correspondence was carried on entirely between Lieutenant Lowe, although he was only a lieutenant and commanding a tender, and the governor.

Mr. Highett intimated that he would call for a division.

Mr. Hervey pointed out that there were certain dispatches which the governor was not entitled to lay before the house, and that in the present case they were of that nature. The governor acted in accordance with those instructions.

Mr. Highett said that his motion was merely for the presentation of an address to the governor, and it should be left to the governor to say whether he would comply with it. His own impression was that the instructions were to correspond through the ministry; but he wanted to see that it was so.

Mr. Strachan thought that any instructions sent ought to be laid before Parliament. It seemed very extraordinary that in an important matter, when the correspondence had been carried on by the government and not by the governor, that it could be withheld. The government had not in his opinion come off with very flying colors in the matter. His opinion was that the governor should have carried on the correspondence.

Mr. Fraser opposed the views of the last speaker, and thought the house ought not to press the matter. The governor, through the commissioner of customs, had shown to the public at large what the instructions were, as would be seen from the correspondence. The government had acted under instructions from the governor. (Mr. Fawkner: "Who knows that?") If the dispatch was a private one, they should not insist upon having it.

Mr. Fawkner hoped that the honorable member would press it to a division. If the honorable member who had just sat down had seen all the correspondence and read it, he (Mr. Fawkner) had not.

[638] *Mr. Fraser said that he had read it in the public prints.

Mr. Fawkner said that a one-sided view was always taken by the public prints. He characterized the conduct of the government in seizing the ship while on the slip as cowardly and most unmanly. It was, moreover, a ship of war. It was like the case of the Florida. He maintained that the vessel was seized without rhyme or reason. It was quite possible that a few men were stowed away without the knowledge of the commander, and it had not been proved that the men had been employed, although they were charged with having enlisted. The government had compromised itself with the people at large.

Mr. Fellows pointed out the double capacity of the governor as a constitutional sovereign and an agent of the home government, and remarked upon the course taken by Sir Henry Barkly in laying upon the table certain papers, with the understanding that it was not conceded as a right, or to be considered as a precedent. If to the motion the government returned the answer that it was inconvenient, as the papers were private and confidential, there was an end of the matter; but referring to the correspondence he thought a different construction was to be put upon it. He then quoted from the published correspondence to show that as reference was not made expressly to the governor, that the government were understood to be authorized by the imperial government, and that therefore the instructions could be called for.

Mr. Hervey reminded the house that it was more an imperial than a colonial question. The governor owed a duty to the home government, and if he had done anything wrong, it was his particular duty to justify his action to that government. He only wished the government could produce the letters, as they were not desirous of keeping them back. The matter would come before Parliament at home, and the justification would have to be made in the proper quarter.

Mr. Fellows suggested that the honorable member might say that it did not contain any instructions to the local government.

The question was then put and agreed to on a division by 15 to 10.

MR. COLE'S MOTION.

Mr. Cole moved that copies be furnished of all correspondence between the government and the commander of the Shenandoah. He remarked that it was an important question, involving the neutrality of the port.

Mr. S. G. Henty seconded the motion.

Mr. Hervey said there was no correspondence between the government and the captain of the Shenandoah. The correspondence was on behalf of the governor, and written under his direction.

After some remarks from Mr. Hull,

Mr. Highett said: Do I understand there has been no correspondence between the government and the Shenandoah?

Mr. Hervey: None.

Mr. Highett said there appeared to be, and urged that the house was entitled to that which had taken place between the commissioner of trade and customs and the commander of the Shenandoah.

Mr. Mitchell asked whether the commissioner of customs held two positions, that of a minister, and secretary of the governor?

Mr. Hervey said the governor selected the proper officer to sign the correspondence.

Mr. Fellows: Who? His private secretary?

Mr. Hervey: No. Any correspondence was by the order of his excellency.

Mr. Mitchell: Then it did not take place between any member of the government and the captain of the Shenandoah, but between the secretary of the governor and the captain of the Shenandoah.

Mr. Strachan: Did the governor indorse all the commissioner of customs wrote?

Mr. Hervey: Yes.

Mr. Strachan: Then let us have it shown to be so.

Mr. Fellows: Under his hand and seal.

Mr. Strachan believed there were two letters, and would like to know whether the government indorsed all that was written by Mr. Francis. He did not nor could not believe it, and it would be only when it was produced to the house, indorsed by his excellency, that he would believe it.

The question was then put and agreed to.

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[639] **From the Argus of February* 18, 1865.

1.

"CONFEDERATE STATES STEAMER OF WAR SHENANDOAH,
"*Port Phillip, January* 25, 1865.

"SIR: I have the honor to announce to your excellency the arrival of the Confederate States steamer Shenandoah, under my command, in Port Phillip, this afternoon, and also to communicate that the steamer's machinery requires repairs, and that I am in want of coals.

Correspondence with Captain Waddell.

"I desire your excellency to grant permission that I may make the necessary repairs, and obtain the supply of coals to enable me to get to sea as quick as possible.

"I desire also your excellency's permission to land my prisoners. I shall observe the neutrality.

"I have, &c.,
(Signed) JAMES J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"His Excellency Sir C. DARLING, K. C. C., &c."

2.

"DEPARTMENT OF TRADE AND CUSTOMS,
"*Melbourne, January* 26, 1865.

"SIR: I am directed by his excellency Sir Charles Darling to acknowledge the receipt of your letter of the 25th instant, acquainting his excellency with the arrival of the Confederate States steamer Shenandoah, under your command, at Port Phillip, and intimating that the machinery of the steamer requires repairs, and that you are in want of coals. In the communication under acknowledgment you request his excellency to grant permission to make the necessary repairs, and to obtain a supply of coals, and further, to be allowed to land your prisoners.

"In reply, I have received the instructions of Sir Charles Darling (*sic*) to state that he is willing to allow the necessary repairs to the Shenandoah, and the coaling of the vessel to be at once proceeded with, and that the necessary directions have been given accordingly.

"I am at the same time to furnish, for your information, the accompanying extract of orders issued by Her Majesty's government, and publicly notified in the Government Gazette of this colony on the 17th of March and the 24th of April, 1862, with respect to armed vessels, whether belonging to the United States or the Confederate States of North America, with which it is requisite for you to comply. In conformity with the terms of the foregoing commands, I am to request that you will be good enough at your earliest convenience to intimate to me, for the information of his excellency, the nature and extent of your requirements as regards repairs and supplies, in order that Sir Charles Darling (*sic*) may be enabled to judge of the time which it may be necessary for the vessel under your command to remain in this port.

"With reference to your request regarding certain prisoners, his excellency desires to be furnished with a list of the prisoners in question, and any other information affecting them which you may be able to afford.

"I have, &c.,
(Signed) "JAS. J. FRANCIS,
"*Commissioner of Trade and Customs.*

'The LIEUTENANT COMMANDING
"*Confederate States Steamer of War Shenandoah, Hobson's Bay.*"

The following are the extracts indicated and inclosed:

"You are aware of the determination of Her Majesty's government to maintain the strictest neutrality in the hostilities which are now being carried on between the United and Confederate States of North America. In order to cause that neutrality to be effectually respected throughout the Queen's dominions, Her Majesty has directed (in accordance with a long-established European practice,) that no ship of war, privateer, or other armed vessel belonging to either of the belligerents which shall anchor in any British port, shall be allowed to quit her anchorage within twenty-four hours [640] after any *vessel belonging to the adverse belligerent, whether armed or unarmed, shall have left the same port.

"In order to give effect to Her Majesty's orders, I am to desire that, on the arrival of any such armed vessel in any port or roadstead within your government, you will notify this rule to her commander, and will inform him that, in case he should infringe it, his government will be held responsible by that of Great Britain for violating the neutrality of British waters."

3.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*January* 28, 1865.

"SIR: Upon the receipt of your communication of the 26th instant, in which permission was granted for the necessary repairs to the Shenandoah to be proceeded with, I sent for and engaged the services of Messrs. Langlands, Brothers & Co. to examine the propeller and bracings under water, and to undertake the repairs, which was agreed to by the firm, informing them of the importance of haste, and importance to me their report would be, as his excellency desired to know the extent of injury done the vessel. I was promised a report, and have been asking each day for it, but none has been handed in yet, and as I conceived an idea that their report would be more satisfactory than any I could write for his excellency's information, I have delayed, in accordance with the grace given me, 'at my earliest convenience,' to intimate to you the extent of damages. Every arrangement has been made for lifting the propeller clear of the ship, and a diver has examined the bracings under water to-day.

"From what I have seen of the propeller-shaft and the verbal report of the diver on the bracings under water, I can state that the composition castings of the propeller-shaft are entirely gone, and the bracings under water in the same condition.

"So soon as Messrs. Langlands, Brothers & Co. hand in their report, I shall inclose it to his excellency. The other repairs are progressing rapidly. I fear the damages will prove more serious than I anticipated them to be at first.

"I have, &c.,
(Signed) "JAS. J. WADDELL,
Lieutenant Commanding, Confederate States Navy.

The honorable the COMMISSIONER OF TRADE AND CUSTOMS.

4.

CUSTOM-HOUSE, *Melbourne, January* 30, 1865.

"SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of the 28th instant, and of your memorandum of this day's date, indorsed on a letter addressed to you by Messrs. Langlands, Brothers & Co., a copy of which letter with your subjoined memorandum is returned herewith, and to inform you that it will be necessary that a list of the supplies required for the immediate use of your vessel, together with one of the prisoners, &c., as I suggested in my previous communication, should be sent in for the guidance of his excellency before 4 p.m. on the 31st instant.

"I have it further in command to inform you that his excellency has appointed a board, consisting of Mr. Payne, inspector and secretary of the steam navigation board, Mr. Elder, superintendent of the marine yard at this place, and Mr. Wilson, the government marine engineer, to go on board the Shenandoah and to examine and report whether that vessel is now in fit state to proceed to sea, or what repairs are necessary.

"I have, &c.,
(Signed) "JAS. G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding, Confederate States Steamer Shenandoah.*"

5.

"PORT PHILLIP FOUNDRY,
"*Melbourne, January* 30, 1865.

"SIR: At your request we beg to report that it will be absolutely necessary to put the Shenandoah on the government slip, as, after inspection by the diver, he reports that the lining of outer stern-back is entirely gone, and will have to be replaced.

[641] *"As to the time required, (as three days will elapse before she is slipped,) we will not be able to accomplish the repairs within ten days from date.

"Yours, &c.,
(Signed) "LANGLANDS BROS. & CO."

"Captain WADDELL,
Confederate War-steamer Shenandoah.

"*Indorsement.*—Respectfully submitted to the honorable commissioners of trades and customs, with the request that it may be returned.

(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding.*

"JANUARY 30, 1865."

6.

"DEPARTMENT OF TRADE AND CUSTOMS,
"*Melbourne, January* 31, 1865.

"SIR: By direction of his excellency the governor I have the honor to acknowledge the receipt this morning of your letter of yesterday's date, stating the supplies required for the officers and crew of the vessel under your command, and informing me that the prisoners alluded to in your previous communication have left the Shenandoah without your knowledge, in shore-boats, soon after your arrival.

"I am desired by Sir Charles Darling (*sic*) to state that permission is conceded for you to ship on board the Shenandoah, in such quantities as may be reasonably necessary, the provision and supplies enumerated in your communication under reply.

"I would therefore request that your purser, authorized in that behalf, will communicate with the collector of customs as to quantities and detailed particulars.

"I am again to request to be furnished with a list giving the number of and particulars, as far as possible, with respect to the prisoners who were brought to this port in the Shenandoah; and I may add that the number in this instance is understood to be small, yet action in this case may form a precedent for future guidance, should such a question again arrive, with perhaps a larger number of persons whom it may be desired to land in violation of municipal or other laws or regulations in force in this colony.

"I have, &c.,
(Signed) "JAS. G. FRANCIS,
"*Commissioner of Trade and Customs.*

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding, Confederate States Steamer Shenandoah.*"

7.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 1, 1865.

"SIR: I have the honor to acknowledge the receipt of your communication of yesterday's date, and, in reply to that portion which has reference to supplies, &c., directions have been given the paymaster of the Shenandoah in accordance with your views. I cheerfully furnish a list of those persons who were my prisoners on the 'high seas,' at your request, for future guidance, and at the same time inform you that a list was furnished Mr. McFarlane, chief officer of Her Majesty's customs for Williamstown, as far back as the 25th or the 26th ultimo, in official form.

"Particulars connected with the prisoners brought into Port Phillip are the following:

"They were captured serving in the American bark Delphine, which vessel I destroyed, and, after reaching this port, left this vessel of their own free will, without consulting the regulations in force in this colony, unmolested and unassisted, and not in any boat belonging to said vessel.

"I am extremely anxious to get the Shenandoah to sea. The procrastination by the parties employed under his excellency the governor's permission for the necessary repairs to said ship seems to me unnecessary; and if I appeal to his excellency the governor for further instructions to those employed to hurry up the work on said ship, I hope his excellency the governor will see in it the spirit of a law-abiding man, and one anxious to be about his country's business.

"Yesterday the commission of officers appointed by his excellency the governor for the examination of this vessel came on board, but I was absent from the ship, [642] not having *been informed by the honorable commissioner of trade and customs of the day set apart for that visit.

"I have, &c.,
(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the COMMISSIONER OF TRADE AND CUSTOMS."

8.

"DEPARTMENT OF TRADE AND CUSTOMS,
"*Melbourne, February* 1, 1865.

"SIR: I am directed by his excellency the governor to acquaint you that he has received a progress report from the board appointed to examine the Shenandoah, and report whether that vessel is in a fit state to proceed to sea, or what repairs are necessary. From the tenor of this communication it is evidently necessary that your ship should be placed on the patent slip for further examination and repairs; and I presume you will proceed promptly with the necessary arrangements. For your information I may state that the slip, termed the 'government patent slip' in the communication to yourself from Messrs. Langlands Brothers & Co., is not in possession of or under the control of the authorities. It was originally built by this government, but for many years has been leased to various parties, and your arrangements must, therefore, be made with the present lessees.

"By inadvertence you have omitted to inclose the list of prisoners to which you make reference in your communication of this date.

"I have, &c.,
(Signed) "JAS. G. FRANCIS,
"*Commissioner of Trade and Customs.*

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

9.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 1, 1865.

"SIR: I have the honor to acknowledge receipt of your communication of this day's date, informing me of the character of the report made to his excellency the governor by the board of examiners; also, calling my attention to another list of prisoners which you desire. I cheerfully furnish this, the second list, and have, &c.,
(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the COMMISSIONER OF TRADE AND CUSTOMS."

10.

"DEPARTMENT OF TRADE AND CUSTOMS,
"*Melbourne, February* 7, 1865.

"SIR: I am instructed by his excellency the governor, Sir Charles Darling, to acquaint you that as the ship under your command (the Shenandoah) has already been twelve days in our port with permission to lay in provisions or things necessary for the subsistence of her crew, and to effect the necessary repairs, it is desired by his excellency that you should now name the day upon which you will be prepared to proceed to sea; and I am further directed to inform you that, after carefully considering the question of the position of Great Britain as strictly neutral in the present contest, the use of appliances, the property of the government, cannot be granted, nor any assistance rendered by it, directly or indirectly, toward effecting the repairs of the Shenandoah.

"I have, &c.,
(Signed) "JAS. G. FRANCIS,
"*Commissioner of Trade and Customs.*

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

[643] *11.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 7, 1865.

"SIR: I have the honor to acknowledge the receipt of your communication of this day's date, and, in reply, for information desired for his excellency the governor, I have to write that I cannot name a day for proceeding to sea with this ship until she is taken on the slip, when the injury can be perfectly ascertained and time estimated for its repair. The recent gales have prevented me from lightening my ship to the necessary draught preparatory to going to the slip, in which matter I have been guided by those who are in charge of the slip. I hope the weather will permit the engineer to take the Shenandoah on the slip to-morrow morning.

"I am, &c.,
(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the COMMISSIONER OF TRADE AND CUSTOMS."

12.

"DEPARTMENT OF TRADE AND CUSTOMS,
"*Melbourne, February* 14, 1865.

"SIR: Referring to my communication of the 7th instant, I am again directed by his excellency Sir Charles Darling to inquire whether you are now in a position to state more definitely when the Shenandoah will be in a position to proceed to sea; and, if so, I shall be obliged by your informing me accordingly.

"I have, &c.,
(Signed) "JAS. G. FRANCIS,
"*Commissioner of Trade and Customs.*

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

13.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 14, 1865.

"SIR: I have the honor to acknowledge the receipt of your communication of this day's date, and, in reply, have the pleasure to inform you, for his excellency the governor's information, that the superintendent of the slip, and Messrs. Langlands, Bros., & Co., inform me that the Shenandoah will be ready for launching to-morrow morning, the 18th instant, at 4 o'clock a. m., and, I think, without some unforeseen accident, I shall proceed to sea in her by Sunday, the 19th instant. I have yet to take in all my stores, coals, and swing the ship.

"I have, &c.,
(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the COMMISSIONER OF TRADE AND CUSTOMS."

14.

"CUSTOM-HOUSE, *Melbourne, February* 14, 1865.

"SIR: I am directed by his excellency the governor to state that it has been reported to the government that you have refused to allow the execution on board the Shenandoah of a warrant issued upon sworn information according to law, alleging that a British subject is on board that vessel, who has entered the service of the Confederate States in violation of the British statute known as the foreign-enlistment act; that it is not consistent with the British law to accept any contrary declaration of facts, whatever respect be due to the person from which it proceeds, as sufficient to justify the non-execution of such warrant; and that moreover it is conceived that this government has a right to expect that those who are receiving in our port the aid and assistance which they claim as a belligerent under the Queen's proclamation should not in any way oppose proceedings intended to enforce the maintenance of neutrality.

"It will be apparent to you that the execution of the warrant is necessary, in order to enable the government to bring to justice those upon whose depositions the warrant was issued, if the statements in those depositions should prove false in fact.

[644] *"In this view you are appealed to to reconsider your determination, and pending further information from you, which you are requested to make with as little delay as possible, the permission granted you to repair and take in supplies is suspended, and Her Majesty's subjects have been duly warned accordingly.

"I have, &c.,
(Signed) "JAS. G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

15.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 14, 1865.

"SIR: I am in receipt of your letter of this date, in which you inform me that you have been directed by his excellency the governor to state 'that it has been reported to the government that I have refused to allow the execution on board the Shenandoah of a warrant issued upon sworn information, according to law, alleging that a British subject is on board this vessel who has entered the service of the Confederate States in violation of the British statute known as the foreign-enlistment act; and that it is not consistent with the British law to accept any contrary relation of facts, whatever respect be due to the person from whom it proceeds, as sufficient to justify the non-execution of such warrant.' I am then appealed to to reconsider my determination, and the letter concludes by informing me that, 'pending a further intimation from me,' the permission granted to repair and take supplies is suspended.

"I have to inform his excellency the governor that the execution of the warrant was not refused, as no such person as the one therein specified was on board, but permission to 'search' the ship was refused. According to all the laws of nations, the deck of a vessel of war is considered to represent the majesty of the country whose flag she flies, and she is free from all executions, except for crimes actually committed on shore, when a demand must be made for the delivery of such person, and the execution of the warrant performed by the police of the ship. Our shipping-articles have been shown to the superintendent of police. All strangers have been sent out of the ship, and two commissioned officers were ordered to search if any such have been left on board. They have reported to me that, after making a thorough search, they can find no person on board except those who entered at this port as part of the complement of men.

"I, therefore, as commander of the ship, representing my government in British waters, have to inform his excellency that there are no persons on board this ship except those whose names are on my shipping-articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port, nor have I in any way violated the neutrality of the port.

"And I, in the name of the government of the Confederate States of America, hereby enter my solemn protest against any obstruction which may cause the detention of this ship in this port.

"I have, &c.,
(Signed) JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The Hon. JAS. G. FRANCIS,
"*Commissioner of Trade and Customs, Melbourne.*"

16.

"*Telegram from Mr. Standish, chief commissioner of Victorian police, to Mr. Bearer, police inspector, stationed at Williamstown.*

"I have to direct that you communicate with Mr. Chambers, the lessee of the patent slip, that the governor in council has given directions that he and all other British subjects in this colony at once desist from rendering any aid or assistance, or perform any work in respect to the said classed confederate ship Shenandoah, or in launching the same. You will at once proceed with the whole of the police at your disposal to the patent slip, and prevent, at all risks, the launch of the said ship. Superintendent Lyttleton and fifty men, also fifty of the military, proceed at once to Williamstown, telegraphing anything that may occur direct to me.

(Signed) "F. C. STANDISH.

"TUESDAY, *February* 14, 1865."

[645] *17.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*February* 15, 1865.

"SIR: I am informed by the manager of the slip upon which the Confederate States steamer Shenandoah now rests that the slip has been seized by authority from his excellency the governor to prevent the launching of the Confederate States steamer Shenandoah, which of necessity is a seizure of the vessel under my command. I therefore respectfully beg to be informed if this seizure is known to his excellency the governor, and if it meets his approval.

"Very respectfully,
(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the COMMISSIONER OF TRADE AND CUSTOMS."

18.

"CUSTOM-HOUSE, *Melbourne, February* 15, 1865.

"SIR: In acknowledging your letters of yesterday's date, and also in reply to your communication of this morning, I am instructed by his excellency the governor to inform you that the lessee of the patent slip having reported that the safety of the ship Shenandoah may be endangered by her present position on the slip, the suspension of permission to British subjects to assist in launching the ship is withdrawn, while the further matters referred to in your letters are under consideration, and will be replied to with as little delay as possible.

"I have, &c.,
(Signed) "JAS. G. FRANCIS.

"J. J. WADDELL, Esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

19.

"CUSTOM-HOUSE, *Melbourne, February* 15, 1865.

"SIR: I am directed by his excellency the governor to further acknowledge your communications of the 14th and 15th instant, in which, alleging that the vessel under your command had been seized, you ask whether the seizure is known to his excellency the governor, and if it meets his approval.

"I am to inform you, in reply, that this government has not directed or authorized the seizure of the Shenandoah.

"The instructions to the police were to see that none of Her Majesty's subjects in this colony rendered any aid or assistance to or performed any work in respect of your vessel during the period of the suspension of the permission which was granted to you to repair and take in supplies, pending your reply to my letter of yesterday's date in regard to a British subject being on board your vessel, and having entered the service of the Confederate States in violation of the British statute known as the foreign-enlistment act, and of the instructions issued by the governor for the maintenance of neutrality by Her Majesty's subjects.

"In addition to evidence previously in possession of this government, it has been reported by the police that about 10 o'clock last night four men, who had been in concealment on board the Shenandoah, left the ship, and were arrested immediately after so leaving by the water-police.

"It appears from the statements of these men that they were on board your vessel both on Monday and Tuesday, the 13th and 14th instant, when their presence was denied by the commanding officer in charge, and by yourself subsequently, when you declared that there were 'no persons on board this ship except those whose names are on our shipping-articles.' This assertion must necessarily have been made by you without having ascertained for yourself by a search that such men were not on board, while at the time you refused permission to the officer charged with the execution of the warrant to carry it into effect.

"Referring to that portion of your communication of the 14th instant, in which you inform his excellency the governor 'that the execution of the warrant was not refused, as no such person as the one therein specified was on board,' I am in a position [646] to state *that one of the four men previously alluded to is ascertained to be the person named in the warrant.

"I am also to observe that, while at the moment of the dispatch of your letter it may be true that these men were not on board the Shenandoah, it is beyond question that they were on board at the time it was indited, your letter having been dispatched at five minutes before 10 o'clock.

"It thus appears plain, as a matter of fact, that the foreign-enlistment act was in course of being evaded.

"Nevertheless, as the only person for whose arrest a warrant was issued has been secured, and as you are now in a position to say, as 'commanding officer of the ship, and in behalf of your government, whose faith is pledged by the assurance, that there are no persons on board this ship except those whose names are on our shipping-articles, and that no one has been enlisted in the service of the Confederate States since my arrival in this port,' his excellency the governor has been pleased to revoke the directions issued yesterday, suspending permission to British subjects to aid and assist you in effecting the necessary repairs and taking in supplies.

"I am to add, it is expected you will exercise every dispatch, so as to insure your departure by the day named in your first letter of yesterday, viz, Sunday next.

"I have, &c.,
(Signed) "JAS. G. FRANCIS.

"J. J. WADDELL, esq.,
"*Lieutenant Commanding Confederate States Steamer Shenandoah.*"

20.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*Hobson's Bay, February* 16, 1865.

"SIR: I am in receipt of your communication of yesterday's date, and desire to convey through you to his excellency the governor my appreciation and thanks for his observance of the rights of belligerents, and further to assure his excellency the governor that every dispatch is being made by me to get the Shenandoah to sea at the earliest possible moment.

"The four men alluded to in your communication are no part of this vessel's complement of men. They were detected on board by the ship's police after all strangers were reported out of the vessel, and they were ordered and seen out of the vessel by the ship's police immediately on their discovery, which was after my letter had been dispatched, informing his excellency the governor that there were no such persons on board. These men were here without my knowledge, and I have no doubt can be properly called stowaways, and such they would have remained but for the vigilance of the ship's police, inasmuch as they were detected after the third search; but in no way can I be accused, in truth, of being cognizant of an evasion of the foreign-enlistment act.

"In conclusion, sir, allow me to inform you that I consider the tone of your letter remarkably disrespectful and insulting to the government I have the honor to represent, and that I shall take an early opportunity of forwarding it to the Richmond government.

"Very respectfully,
(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the COMMISSIONER OF TRADE AND CUSTOMS."

This closes the correspondence between Captain Waddell and the government. But the following letter was dispatched to Mr. Higinbotham:

21.

"CONFEDERATE STATES STEAMER SHENANDOAH,
"*Hobson's Bay, February* 14, 1865.

"SIR: Be pleased to inform me if the Crown claims the sea to be British waters three miles from the Port Phillip Head lights, or from a straight line drawn from Point Lonsdale and Schanck.

"I have, &c.,
(Signed) "JAS. J. WADDELL,
"*Lieutenant Commanding, Confederate States Navy.*

"The honorable the ATTORNEY GENERAL."

[647] *Captain Waddell states that a reply, written and signed by a clerk, was brought to him by a messenger, of whom he knew nothing till a gentleman on board explained who he was. The document simply stated that no reasons for the communication of the information had been given. Captain Waddell handed the reply back to the messenger with the simple answer that it was not what he wanted, and that it had better be taken back with his compliments.

From the Herald of February 17, 1865.

Enlistments. Proceedings in police court, February 16.

THE SHENANDOAH RECRUITS.—At the Williamstown police-court, yesterday, four men, named James Davidson, *alias* Charley, Arthur Walmsley, William Mackenzie, and Franklin Glover, were brought up before Mr. Call, P. M., Mr. Hackett, P. M., and Mr. Mason, J. P., charged with a breach of the foreign-enlistment act. The information in each case stated, "That being a natural-born subject of the Queen, you did unlawfully, knowingly, and without the leave or license of Her said Majesty for that purpose had and obtained under the sign-manual of Her Majesty, or signified by order in council, or by proclamation of Her Majesty, enter yourself and agree to enlist and enter yourself to serve as a sailor, and to be employed and serve in and on board a certain vessel of war, fitted out, used, equipped, and intended to be used for warlike purposes in the service of a certain foreign power, province, or people, or part of a foreign power or people, exercising and assuming to exercise the powers of government, to wit, the Confederate States of America."

The prisoners were thus described: Davidson as a native of Scotland, aged 22; Walmsley as an Englishman, aged 17; Mackenzie as an Englishman, aged 22; and Glover as an American, age 24.

Mr. McDonnell, instructed by a clerk from the Crown law-offices, appeared for the prosecution. The prisoners were undefended.

Mr. McDonnell asked for an adjournment, as he had only just been instructed, either for two hours or until the next day.

The prisoners, however, said they were ready to go on.

The bench, therefore, thought it would be unfair to keep them in custody any longer than was necessary.

Eventually the case was adjourned for an hour.

On the court resuming, Mr. McDonnell said that the proceedings were instituted under act 59, George III, cap. 69, commonly known as the foreign-enlistment act. He would prove that the prisoners went on board the Shenandoah in these waters, and within the jurisdiction of this colony, for the purpose of entering into the service of a belligerent state, with which this country was not at war. He would further prove that they were British-born subjects; that they were on board; that they were seen to get over the side of the vessel into a boat, come ashore, and that on reaching the shore they were apprehended, and further matters in the way of conversation that then took place between them and the police who apprehended them. That would be sufficient to satisfy the requirements of the statute. A case was decided in the exchequer chambers at home in which the law was fully gone into, and although that was for equipping a vessel for war, the same act applied. The case was known as the Alexandra case. The point submitted for the adjudication of that court did not arise directly in the present instance, but the principle did incidentally. He was then proceeding to call evidence, when,

Mr. Call asked whether it was proposed to make it a joint prosecution, and mentioned that in a superior court an indictment could not be filed against all together.

After some discussion Mr. McDonnell elected to proceed first against Davidson, *alias* Charley. The others were then removed, and the following evidence called:

Edward Wardle, watch-house keeper, said that on the 14th instant the prisoner was brought to the lock-up in company with three others. He gave the name of James Davidson, and said he was a native of Scotland. (The witness then read the entry, which showed the prisoner was brought in at ten minutes past 10 o'clock at night; that he was a Protestant; and that he could read and write.)

John Williams deposed: I belong to the United States of America. I was taken from the bark De Godfrey, on which I was employed, by the Shenandoah, on the 7th November, 1864. I entered on board the Shenandoah in the capacity of cook. (The witness was here asked as to the circumstances under which he joined the Shenandoah, but the bench ruled that it was unnecessary and also unadvisable to try and turn the proceedings into a sensational trial.) I arrived here on the 23d January. [648] I know the *prisoner; he gave his name as Charles. He came on board two days after we arrived. He was employed as assistant cook to the ward-room officers. When he came on board he had on the clothes he now wears. While on board he wore the confederate uniform. I had a conversation with him while he was on board. I asked him where he belonged to. He said London. I asked him what ship he came by, and he said the Great Britain. He said he would like to ship on board the Shenandoah, and while we were talking, Sailing-master Bullock came into the galley where prisoner and I were. This was about a week after the prisoner came on board. Mr. Bullock asked prisoner what he wanted in the ship. He told him that he came to join the ship. Mr. Bullock told him to keep out of sight while the visitors were on board.

To Mr. Call: At that time the prisoner had on the ship's uniform.

To Mr. McDonnell: When told to go out of sight the prisoner went into the forecastle. Mr. Bullock told the master-at-arms to lock the forecastle door, and to allow no visitors in. The prisoner at that time was in the forecastle. I left the vessel on the 5th February. The prisoner was on board then.

To Mr. Call: Prisoner at that time was cooking. When the visitors went ashore he came out, and in the morning when they began to arrive he went into the forecastle again. He was let out at night to get his hammock on the berth-deck. He slept next me. I cooked the "grub" for him, and sometimes took it to him myself. At meal-times the master-at-arms unlocked the door, passed the "grub" in, and then re-locked the door.

John McDonnell: The prisoner got his uniform from Griffiths, a seaman. While on board the first lieutenant also spoke to the prisoner on several occasions. The prisoner wore his uniform when Lieutenant Whittle spoke to him, and was in the galley cooking.

To Mr. Call: The lieutenant told him he dared not ship him while in port, but ordered him to keep out of sight, and said he would ship him when out of port.

Prisoner: Did I ever tell you my name?

Witness: Yes, you did.

Prisoner: When?

Witness: I called you Bill when in the galley, and you said, "My name is not Bill; it is Charley."

Prisoner: Think again. You are mistaken.

Witness: You asked me for a razor to shave with, and I gave you one.

To Mr. Call: It was on the second day when the prisoner asked for a razor. Before that he had full whiskers. (The prisoner appeared in court with simply a mustache and chin-tuft.) He said he wanted to disguise himself so that people would not know him. He then shaved himself as he now appears.

Walter J. Madden: I am a native of Boston. I was a seaman on board the bark De Godfrey. I was taken out of her on the 7th November, 1864, by the Shenandoah. I went from the De Godfrey, and entered the Shenandoah as a seaman. After going on board I was rated as master of the hold. We arrived here on the 25th January.

To Mr. Call: This is the first port we touched at since I joined the Shenandoah.

To Mr. McDonnell: I know the prisoner. He first came on board a day or two after we arrived here. He worked in the galley, and he had on the ship's uniform. I had some conversation with the prisoner. I asked him what he was doing on board, and he said he came to join her if he could. Visitors were on board while I was there, and the prisoner was in the forecastle while they were there. The forecastle was locked while he was there by the master-at-arms. He got his dinner in the forecastle at 12 o'clock. Dinner used to be passed in to him in the forecastle. It was passed in by the cook's mess-boy. I never saw Williams pass it in, but I have seen Quartermaster Wiggins do so.

To Mr. Call: It was passed in through the cable-hole, which was large enough for a man to get through. There was a door to that hole which was not locked, although it could have been. It was kept shut.

To Mr. McDonnell: While visitors were on board the prisoner was locked up in the forecastle; after they left he used to come out in the evenings. We used to call him Charley on board. He slept in the fore-hatch, and I slept aft. I left the vessel on the 6th; I think a week last Monday. When I left the vessel Charley was still on board. He usually wore the uniform "pants." He wore them all the time he was on board. I have seen him wear the uniform cap sometimes.

To Mr. Hackett: It was a gray cap, with two red and one white stripe round it.

To Mr. McDonnell: I have seen the petty officers speaking to him, and he then
[649] had *on the uniform. One was chief boatswain's mate, and another the master-at-arms. I saw them speak to him every evening. I was not present when any order was given to the prisoner by the officers. His general work was cooking in the galley.

The prisoner said he did not wish to ask any questions.

Witness, (to Mr. Call:) There had been many workmen about the vessel, but none of them slept on board for the night. We had no hired labor for the galley. While the prisoner was in the forecastle, which was ordinarily used as a store-room, there were other persons there besides those who had come in with the ship. The prisoner is the man concerning whom I laid an information the other day. The muster was twice called over while we were in port, and while I was on board, by the chief lieutenant, at about 9 or 10 o'clock in the morning. Every one who was on the ship's articles was mustered. The boatswain sung out, "All hands to quarters." The men were mustered by their numbers at the guns. The carpenters and others were not called over; excepting for men at the guns, no roll was taken. The second lieutenant and the quartermaster went round to see after the others. On the first Sunday in every month all hands were mustered and the laws read out.

To Mr. Hackett: I do not belong to the ship now. I have come ashore, (laughter,) and am not going back.

Mr. McDonnell wished the witness to explain, but it was considered unnecessary.

Charles Bincker said: I am a native of Germany. I was taken from the bark Alina, on which I was a seaman, by the Shenandoah, on the 29th October. We were then at sea. I know the prisoner. I first saw him about twelve days ago, and five or six days after we arrived. I left the vessel last Sunday. From the time when I first saw him until I left he continued to be on board. I heard him called Charley.

To Mr. Call: He was acting as cook in the galley.

To Mr. McDonnell: He wore gray clothes; the uniform of the vessel. He wore gray trousers and a gray cap, with two red stripes and a white one in the center. I saw visitors come on board. While they were there Charley was in the forecastle. At dinner-time he was in the forecastle. He used to get his dinner there. He was locked up in the forecastle. He got his dinner from the mess-cook's boy. It was passed through the cable-hole. I have seen the master-at-arms unlock the door. When the visitors went away the prisoner went into the galley and was cooking.

To Mr. Call: He got out sometimes through the hole, and sometimes he was let out. I have never seen him come out or go in. I have seen the master-at-arms lock the door.

To Mr. McDonnell: He slept in a hammock on the berth-deck.

To Mr. Call: I never saw any of the officers talking to him while I was on board.

Herman Vecher sworn: I am a native of Germany. I was on board the Alina with the last witness in October last, and was taken from her by the Shenandoah. I arrived here in the Shenandoah, in January last. I know the prisoner. I saw him on board about seven or eight days after we arrived. I left the vessel last Sunday, and until I left I saw him continually on board. He was in the galley as cook.. He wore the uniform. I have seen him in the forecastle in the day-time, after breakfast, and during the dinner-hour. He used to have his breakfast in the forecastle. When visitors were on board he was in the forecastle. After they had gone I used to see him in the galley. He slept between decks, in a hammock. I have spoken to him about the Shenandoah, and he told me he had joined her as cook. I have not heard the officers speak or give orders to him.

The prisoner said he did not wish to ask any questions.

Witness recalled. While I was on board I never saw any officer go into the forecastle to see who was there.

To Mr. Call: The master-at-arms was the officer in charge of the forecastle.

Alexander Minto sworn: I am a senior constable of water-police, stationed at Williamstown. I was in charge of the police-boat on the night of the 14th instant. Shortly after 9 o'clock, at the patent slip on which the Shenandoah was, I saw a boat haul up to the gangway of the Shenandoah. One of the officers of the Shenandoah was standing at the gangway. He had his uniform on. I saw one of the boatmen, George Nicholls, go on board; and in a short time, a second or two, four men, James Davidson among them, came down to the boat. Another waterman, Clarke, remained in the boat. When I saw the four men go into the boat I hauled alongside and spoke to them, Charley being present. I asked them who they were and what they had been doing on board.

To Mr. Call: I think the officer at the gangway could have heard me.

To Mr. McDonnell: They say they had been working at day-work on board. [650] One of *them had a bundle in his breast. I heard a call of "George" from the ship, which I took to be from the officer at the gangway, and immediately I saw Nicholls come and slide down into the boat. The boat then at once pulled ahead. I followed them, but lost sight of them on the water. I returned at once to the patent slip, and run up to the railway station, and saw two of them on the platform. I searched and found the two others in the water-closet. Charley was one of the two that were walking on the railway platform. I went to them and asked them why they hurried away from the ship so quickly. They seemed to hesitate, and then said, "O, the Shenandoah you mean." I think it was Charley who said that. They asked what I wanted, and spoke of the train having just started, and I told them there was another. I asked them to accompany me, and they did so. On the way I spoke to all of them. Charley said he was sorry he had to leave her; that he had sold everything he had to join the ship. I asked him what ship he had been in last, and he said he came out from London in the Indemnity. I took them to Mr. Lyttleton, superintendent of police.

The prisoner asked the witness no questions.

Thomas H. Lyttleton sworn: I am a superintendent of police. On the morning of the 14th I went on board the Shenandoah while she was on the patent slip. I saw Captain Waddell. I believe he is the captain of the vessel. I went on board to ask him to allow me to execute a warrant. (The witness was then asked as to his conversation with Captain Waddell, but the question was ruled to be inadmissible, although it was explained that the object was to prove the nationality. The bench said Mr. Lyttleton's own conclusions could be taken.) I saw a flag on board, which I believe to belong to the Confederate States of America. I had with me the warrant produced, and I told him the purpose for which I went on board, but I was not allowed to effect it. I know the vessel to be commissioned by the Confederate States of America. The warrant was for the arrest of one Charley, but I was not allowed to execute it. I was a quarter of an hour on board. I am able to say she is a Confederate States vessel.

To Mr. Call: I had had a description of Charley, and saw him during that night. I recognized him, and had a conversation with him. He was brought to me by Senior Constable Minto, and I at once said, "I believe you are the very Charley I want." He laughed, and said it was a great joke on board about Charley being wanted. He said he was not the man. He said he was cooking for the ward-room mess, and I said I thought he looked like a cook. I sent him to the lock-up with two constables. He said he had been a few days on board, and that he picked up his meals from among the men. He expressed disappointment at not being able to go.

The prisoner asked the witness no questions.

Mr. McDonnell stated that that was his case.

The court then adjourned for half an hour, and, on resuming,

Mr. McDonnell asked the bench to give their decision, as otherwise he should not be in a position to proceed with the other cases.

Mr. Call stated that the bench were prepared to give their decision, and then asked the prisoner the ordinary questions.

The prisoner said that he had never given the name of Charley. The statement was false altogether, and they had perjured themselves who said so.

Mr. Call, (addressing the prisoner:) The bench are of opinion that you have brought yourself within the act referred to, and have so served on board a vessel fitted out for warlike purposes. You are, therefore, committed to take your trial at the supreme court. Bail will be allowed, yourself in £50, and one surety in £50, or two in £25 each. He was then removed.

Franklin Glover was then placed in the dock.

Mr. McDonnell said that there was no evidence against him, and that the case would therefore be withdrawn. He was an American.

The bench then ordered his discharge, and he was set at liberty.

William Mackenzie was then brought forward. When the information was read over to him, he stated that he had nothing to say.

John Williams was then recalled. He said: I first saw the prisoner on board on the 29th of January. He wore "citizen" clothes, no uniform at all. When visitors were on board he was in the forecastle; when they left he was out on deck. I never saw any of the officers speaking to him. I never had any conversation with him, and he never spoke to me more than to ask when the ship was going away. I said I did not know. I cooked the "grub" and sent it to the prisoner by the boy. I saw the forecastle door unlocked after supper, when the visitors had gone ashore, by the master-at-arms. After it was unlocked I saw the prisoner come out on deck.

The prisoner said the forecastle door was open all day.

[651] *Witness, (to the prisoner:) You had been on board for three days without regular rations, when I went to Mr. Grimball, the second lieutenant, and asked what was to be done with you and the others in the forecastle, when he gave me directions to the master-at-arms to get rations and supply them to you in the forecastle, the same as the others. I got them cooked and supplied them to you in the forecastle.

To Mr. McDonnell: The prisoner slept in the berth-deck.

The prisoner said he slept in the forecastle.

Witness, (to Mr. Call:) There were about twelve men in the forecastle who had come from the shore and wanted to join the ship. None of them arrived with the ship.

Walter J. Madden, recalled, deposed: About four or five days after I arrived in the Shenandoah I saw the prisoner on board. He was not engaged in anything. When I left on the 7th February he was then on board. He was in the forecastle, and his meals were carried in to him. When the visitors were gone he used to come out on deck in the evenings. He used to sleep in the berth-deck. He spoke to me with reference to joining the ship. He said he had not been long going to sea, and that he would like to join as ordinary seaman. He said he came on board to join the vessel. I did not hear any orders given by any of the officers to him.

To the prisoner: It was the night she broke adrift that you remarked to me you had not been long going to sea, and that you would like to join as ordinary seaman.

Charles Bincker, recalled, deposed: I first saw the prisoner on board the Shenandoah about five days after we arrived here. He holystoned the deck on Saturday last. He wore his own clothes, and was on board when I left the vessel on Sunday last. He slept in the berth-deck, and had his meals in the forecastle, the door at the time being locked. I have seen the master-at-arms open the door while the prisoner was there, as he always was when visitors were on board. I had no conversation with him. I do not know who ordered him to holystone the deck.

Herman Vecker, recalled, said: The prisoner came on board about five days after we arrived here. He worked on deck with the holystones. For the first four or five days he was in my mess between decks, but after that he received his meals in the forecastle, where he was when visitors came on board. I do not know who told him to go to work. I did not have any conversation with him. When he first came on board there were no locks on the doors, but afterward when more men came there were two locks. I have seen the quartermaster unlock the door, and hand meals in to the prisoner.

The prisoner asked this witness no questions.

Alexander Minto was then recalled, and deposed to the arrest of the prisoner, in much the same terms as in the previous case. The prisoner said he had lately been in the hospital, and that he had taken six trips in the City of Hobart. He also said, "I am sorry I cannot go in her now; I should like to have gone in her."

Richard Wardle, the watch-house keeper, was then recalled, to prove the entry made on the night of the prisoner's arrest, from which it appeared he declared himself an Englishman.

Thomas H. Lyttleton, superintendent of police, repeated his former evidence.

That being the case for the Crown, the bench retired to consider their decision.

After a short absence they returned, and the prisoner was asked whether he had anything to say in his defense.

The prisoner said: All I can say is that I was not aware that I was breaking any law in going to join this vessel. I have been out of a ship for some time, and I thought I might as well try and get some employment as soon as possible.

Mr. Call: I do not think you are mending your case by making such statements.

Prisoner: I have nothing more to say.

Mr. Call, (to Mr. McDonnell:) The supreme court is now sitting; is it contemplated that the case shall now come on during these sittings?

Mr. McDonnell: It is not so intended.

Mr. Call: Then we might commit them to the general sessions, as it would save time, and not keep them in custody so long.

Some discussion then ensued as to whether such a course was permitted, and upon reference it appeared that it was not.

The prisoner was then committed to take his trial at the supreme court, the same bail as in the other case being allowed. He was then removed.

Arthur Walmesley was then brought forward. When the information was read over to him, he denied that he went on board the Shenandoah for the purpose of joining her.

Mr. Superintendent Lyttleton deposed to having seen the prisoner on the night of the 14th instant; he said he had been on board a few days.

[652] * Prisoner: I said I had been on board only one day.

Witness, (to the bench:) I cannot recollect exactly what time he said.

Watch-house keeper Wardle was recalled, and read the entry made when the prisoner was locked up, from which it appeared that he described himself as an Englishman.

Charles Bincker, recalled, deposed: I first saw the prisoner on board the Shenandoah after we arrived here. He was painting between decks on Saturday last. He took his meals with No. 2 mess. He was sometimes in the forecastle and sometimes on deck. He slept in the berth-deck. He was on board when I left the vessel. I had no conversation with him. He wore his own clothes.

Hermann Vecker, recalled, deposed: I first saw the prisoner on board on the 7th February; when I left the vessel on Sunday he was on board. He slept in the berth-deck, and had his meals with No. 2 mess. I have seen him do work on board. I asked him what he was doing on board the Shenandoah, and he said, "I will join as a seaman before the mast." At that time he had been two days on board.

Prisoner: Look here, sir; if I was going to die this very minute, I never spoke to that man there, and if Fox were here he would prove it. I went on board simply to see Fox, who came from the same town as I did.

Witness, (to the bench:) Fox is a quarter-gunner.

Senior Constable Minto then repeated his evidence. The prisoner when arrested said he had gone on board on the day before to see a person who had come from the same town as himself.

That concluded the case.

Mr. Call asked the prisoner whether there were any witnesses that he could call, such as persons from Melbourne, who could say that he was on shore, and not on board the ship.

The prisoner said that Captain Duncan Graham, of the Potomac lighter, could prove that he was living on board the lighter up to Tuesday morning. There were several other captains of lighters who could prove the same.

Mr. Call then directed the police to obtain the names and addresses of such persons, and to insure their attendance.

The prisoner was then remanded until 11 o'clock on the following day, that the evidence might be produced.

The court then rose.

There was no meeting of the legislative assembly yesterday, owing to a quorum of members not being present.

The four men who were arrested in the attempt to escape from the Confederate States cruiser Shenandoah on Tuesday night last, were brought up at the Williamstown police court yesterday, charged with infringing the foreign-enlistment act by entering or agreeing to enlist themselves in the service of the Confederate States on board that vessel. The court was crowded during the whole day, and considerable interest was manifested in the proceedings. After some discussion it was resolved to take each case separately, and that of Davidson, *alias* Charley, to search for whom the warrant was issued, was first proceeded with. It was shown by several witnesses, who were until lately members of the crew of the Shenandoah, that the man was not seen on board until after the vessel arrived in these waters; that he was employed as cook except when visitors were on board, during which time he was locked up in the forecastle; that he had been told by the first lieutenant to keep out of sight until the vessel was out of port, when he should be enlisted, and that he had spoken to the witnesses of his desire to join the vessel. He was committed for trial at the next criminal sessions, as was also Mackenzie, who, when called on to speak in his own defense, added evidence to that previously given against him. Glover, who, when arrested, declared himself an American, was discharged, it being stated that there was no evidence against him. Walmesley, a boy of about seventeen years of age, and against whom the case is somewhat slight, stands remanded until to-day, that he may call evidence to rebut some of the statements made by the witnesses for the prosecution.

The captain of the Shenandoah does not appear desirous of losing any time in taking his departure from this port. The crew were busily engaged during yesterday in taking in coal, and toward evening the sails were being uncovered. It is understood that the vessel will leave to-morrow.

NOTE.—For other newspaper extracts see the inclosures in Mr. Adams's letter as given in the correspondence relating to the Shenandoah presented to Parliament, Vol. IV, No. 5, p. 40.

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[653] *No. 33.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 25, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant and its inclosures, respecting the Shenandoah, and I have to state to you that your representations shall be duly considered by Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 34.

Mr. Mason to Earl Russell.

28 GROVE STREET,
Leamington, June 20, 1865. (Received June 20.)

Request of Mr. Mason that Shenandoah may be recalled.

MY LORD: It being considered important and right, in the present condition of the Confederate States of America, to arrest further hostile proceedings at sea in the war against the United States, those having authority to do so in Europe desire as speedily as practicable to communicate with the Shenandoah, the only remaining confederate ship in commission, in order to terminate her cruise.

Having no means of doing this in the distant seas where that ship is presumed now to be, I venture to inquire of your lordship whether it will be agreeable to the government of Her Majesty to allow this to be done through the British consuls at ports where the ship may be expected.

I have the honor to inclose herewith a copy of the order it is proposed to transmit, and will be obliged if your lordship will cause me to be informed whether, upon sending such orders unsealed to the foreign office, they can be sent through the proper channels to the consuls, or other representatives of Her Majesty at the points indicated, to be by them transmitted, when opportunity admits, to the officer in command of the Shenandoah. These points are Nagasaki, in Japan, Shanghai, and the Sandwich Islands.

I trust that your lordship will, from the exigency of the occasion, pardon the liberty I have ventured to take, and oblige me by having the inclosed copy returned to me.

I have, &c.,
(Signed) J. M. MASON.

[Inclosure in No. 34.]

Captain Bullock to Lieutenant Commanding James J. Waddell.

LIVERPOOL, *June* 19, 1865.

SIR: On the 9th day of April last General Lee was forced to evacuate the lines of Petersburgh and Richmond, after three days of continuous and sanguinary battle, and on the 14th of the same month, being surrounded by overwhelming numbers, he surrendered the remnant of his army to General Grant, only however when its last ration had been consumed, and its military supplies were entirely exhausted. This event has been followed consecutively by the surrender of Generals Johnston and Taylor, commanding all the Confederate States troops east of the Mississippi, and of General Kirby Smith, the commander-in-chief of the Trans-Mississippi Department.

President Davis, Vice-President Stephens, and several members of the confederate cabinet have been arrested, and are now held as close prisoners by the United States Government. President Johnson has formally declared the war to be at an end, and has removed all restrictions upon foreign commerce by re-opening the southern ports to general trade. Furthermore, the principal European powers have withdrawn the recognition of belligerent rights, accorded by them to the Confederate States in 1861, and have forbidden the entry of vessels bearing the Confederate States flag into their ports for any purpose of repair or supply.

I have discussed the above circumstances fully with the Honorable J. M. Mason, the diplomatic representative of the Confederate States in England, and, in accordance with his opinion and advice, I hereby direct you to desist from any further destruction of United States property upon the high seas, and from all offensive operations against the citizens of that country.

[654] *Ignorance of the present condition of the Shenandoah, and of the point at which this letter may reach you, renders it impossible to give specific instructions in regard to the disposal of the ship, but you can refer to a letter in your possession, dated October, 1864, for advice on that point. Your first duty will be to take care of the *personnel* of your command, and to pay off and discharge the crew with due regard to their safety and the facilities for returning to their respective homes. The orders issued by the maritime powers with regard to the treatment of Confederate States ships hereafter, indicate that you would be allowed to enter any port for the *bona-fide* purpose of disarming and dismantling the Shenandoah, and that under such circumstances you would enjoy the protection of the laws, so far at least as the individual safety of yourself and the officers and the men of your command are concerned.

If you have sufficient money to pay off your crews in full, direct the paymaster to take receipts from each man, which shall expressly waive all further claim against yourself or any representative of the Confederate States on account of pay or other emoluments. If you have not money enough to pay off in full, and cannot negotiate a bill on England, pay to the extent of your funds, and give each man an order on yourself, payable at Liverpool, for the balance due to him, and come here to settle your accounts.

The terms of the proclamation lately issued by the President of the United States are such as to exclude most of the officers of your command from the privilege of returning at once to their original homes, and I would advise all of you to come to Europe, or to wait elsewhere the further development of events in the United States before venturing to go to any part of that country or the Confederate States.

Circumstances you will readily understand, and the force of which you will appreciate, compel me to be brief and general in these instructions, and you will therefore exercise your discretion in arranging all details. I shall remain in Liverpool for an indefinite time, and you can communicate with me at my usual address.

I am, &c.,
(Signed) JAMES D. BULLOCK.

No. 35.

Mr. Hammond to Mr. Mason.

FOREIGN OFFICE, *June* 22, 1865.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 20th inslant, inclosing a copy of a letter which you are desirous of having forwarded to the commander of the Shenandoah through Her Majesty's representatives and consuls at the Sandwich Islands, Nagasaki, and Shanghai; and I am to state to you, in reply, that his lordship has no objection to sending this letter to the places mentioned, and also to Her Majesty's colonial and naval authorities, it being always distinctly understood that the Shenandoah will be dealt with in the courts, if claimed, according to law.

Instructions to be given as requested.

The inclosure in your letter is returned herewith as requested.

I have, &c.,
(Signed) E. HAMMOND.

No. 36.

Mr. Hammond to Sir F. Rogers.[1]

FOREIGN OFFICE, *June* 22, 1865.

SIR: I am directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, the accompanying copies of correspondence with Mr. Mason, respecting a letter which he is desirous of forwarding to the commander of the Shenandoah.[2]

I am, &c.,
(Signed) E. HAMMOND.

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[655] *No. 37.

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *June* 24, 1865.

SIR: I transmit to you herewith copies of a correspondence with Mr. Mason respecting a letter which he is desirous of forwarding to the commander of the Shenandoah;[2] and I have to instruct you to communicate the substance of these papers to the Government of the United States.

United States government informed

I am, &c.,
(Signed) RUSSELL.

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[1] A similar letter was addressed to the admiralty.

[2] Nos. 34 and 35.

No. 38.

Mr. Elliot to Mr. Hammond.

[Immediate.]

DOWNING STREET, *June* 24, 1865. (Received June 24.)

SIR: I am directed by Mr. Secretary Cardwell to acknowledge your letter of the 22d instant, accompanied by a correspondence with Mr. Mason relative to a letter to the commander of the Shenandoah, which he wishes to forward to the care of certain British authorities abroad.

Mr. Mason enumerates the places to which, at present, he is desirous that this letter should be forwarded.

Mr. Cardwell presumes that, if Mr. Mason should wish it to be sent to the authorities of any of the British colonies, he will apply for the purpose to Earl Russell, in pursuance of the consent intimated to Mr. Mason by his lordship, and that, in the mean time, no communication on the subject requires to be made to the governors of colonies.

I am, &c.,
(Signed) T. FRED'K ELLIOT.

No. 39.

Mr. Hammond to Sir F. Rogers.

[Immediate.]

FOREIGN OFFICE, *June* 24, 1865.

SIR: I am directed by Earl Russell to request that you will state to Mr. Secretary Cardwell, with reference to your letter of this day, that as soon as the several letters referred to by Mr. Mason are sent by him to this office to be forwarded to their destinations, Mr. Cardwell will be apprised thereof, when a copy may be forwarded to the governors of Her Majesty's colonies.

I am, &c.,
(Signed) E. HAMMOND.

No. 40.

Mr. Mason to Earl Russell.

LEAMINGTON, *June* 25, 1865. (Received June 27.)

Letters sent to commander of Shenandoah.

MY LORD: Pursuant to the permission given in the letter of Mr. Hammond of the 22d instant, I have the honor to inclose herewith the orders to the officer commanding the Shenandoah, mentioned in my late letter, and which, Mr. Hammond informed me, should be transmitted to their destination, at my request, through the proper representatives of Her Majesty's government.

In regard to the closing paragraph of Mr. Hammond's letter, that the Shenandoah "will be dealt with in the courts if claimed, according to law," of course it will follow that, being divested, by the orders herewith, of her flag and nationality, she must be submitted to the laws of the country where she may arrive.

I will be obliged if your lordship will direct the letters to be sealed before they are transmitted.

I am, &c.,
(Signed) J. M. MASON.

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[656] *No. 41.

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *June* 29, 1865.

SIR: With reference to my dispatch of the 24th instant, I inclose, for your information, copies of further correspondence respecting the transmission of Mr. Mason's letter to the commander of the Shenandoah.[1]

I am, &c.,
(Signed) RUSSELL.

No. 42.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *June* 29, 1865.

Letters forwarded through admiralty.

SIR: With reference to my letter of the 22d instant, I am directed by Earl Russell to request that you will state to the lord's commissioners of the admiralty that his lordship, having received from Mr. Mason the letters for the commander of the Shenandoah, copies of the same may now be forwarded to the admirals commanding Her Majesty's ships and vessels on foreign stations.

I am, &c.,
(Signed) E. HAMMOND.

No. 43.

Mr. Hammond to Mr. Elliot.

FOREIGN OFFICE, *June* 29, 1865.

Letters forwarded through colonial office.

SIR: With reference to my letter of the 24th instant, I am directed by Earl Russell to request that you will state to Mr. Secretary Cardwell that his lordship, having received from Mr. Mason the letters for transmission to the commander of the Shenandoah, copies of the same may now be forwarded to the governors of Her Majesty's colonies.

I am, &c.,
(Signed) E. HAMMOND.

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[1] Nos. 38, 39, 40, 42, 43, 44, and 45.

No. 44.

Mr. Hammond to Mr. Mason.

FOREIGN OFFICE, *June* 29, 1865.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 25th instant; and I am to state to you that the letters therein inclosed, addressed to the commander of the Shenandoah, shall be forwarded to Shanghai, Nagasaki, and the Sandwich Islands by the first opportunity.

I am, &c.,
(Signed) E. HAMMOND.

No. 45.

Earl Russell to Mr. Synge.[1]

FOREIGN OFFICE, *June* 29, 1865.

Letters forwarded to Sandwich Islands, Shanghai, and Nagasaki.

SIR: I transmit to you, to be delivered to the commander of the Shenandoah, should that vessel call at the Sandwich Islands, the accompanying letter addressed to him by Mr. J. M. Mason.[2]

I am, &c.,
(Signed) RUSSELL.

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[657] *No. 46.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *July* 5, 1865.

SIR: With reference to your letter of the 29th ultimo, stating that Earl Russell has received from Mr. Mason the letters for the commander of the Shenandoah, and that copies of the same may now be forwarded to the admirals commanding Her Majesty's ships and vessels on foreign stations, I am commanded by my lords commissioners of the admiralty to request that you will state to Earl Russell that a copy of your letter of the 22d ultimo, and of its inclosures, was sent to the commander-in-chief of Her Majesty's ships on the China and Pacific stations, and that you will inform me whether it is wished that copies of the correspondence should be also sent to the admirals on other foreign stations.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 47.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *July* 8, 1865.

SIR: In reply to your letter of the 5th instant, I am directed by Earl

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[1] Similar instructions were addressed to Her Majesty's consul at Nagasaki and Her Majesty's consul at Shanghai.

[2] Inclosure in No 34.

Russell to request that you will state to the lords commissioners of the admiralty that his lordship is of opinion that copies of the correspondence with Mr. Mason should be sent to all naval stations, with the exception of the Mediterranean.

I am, &c.,
(Signed) E. HAMMOND.

No. 48.

Circular to all the colonies.

xtract.]

DOWNING STREET, *September* 7, 1865.

It is the desire of Her Majesty's government that the Shenandoah should be detained in any British port which she may enter. If she should arrive in a port of your colony you will notify to her commander that it is incumbent on him to deliver up the vessel and her armament to the colonial authorities in order to be dealt with as may be ordered by Her Majesty's government. You will detain the vessel by force, if necessary, supposing that you have on the spot a sufficient force to command obedience. And, at all events, you will prohibit any supplies of any description to the vessel, so as to give her no facilities whatever for going to sea.

Circular to colonies ordering detention of the Shenandoah if she enters a British port.

You will, of course, convey to the commander of the Shenandoah the letter sent to you for that purpose in my circular dispatch of the 5th of July.

No. 49.

Earl Russell to the lords commissioners of the admiralty.

FOREIGN OFFICE, *October* 6, 1865.

MY LORDS: Her Majesty's government having received information that the ship Shenandoah, after having been duly apprised that the confederate flag has ceased to be recognized by any nation as the flag of a belligerent, has continued her captures and depredations on the high seas, having determined to instruct the commanders of Her Majesty's ships of war to forcibly detain such vessel if she comes into port, and also forcibly to seize her upon the high seas if she be found sailing upon the high seas equipped as a vessel of war.

Shenandoah to be seized and delivered to United States authorities by naval authorities.

And whereas such vessel belongs, if she be equipped as a vessel of war, to the Government of the United States, Her Majesty's government have decided that such vessel, whether detained in one of Her Majesty's ports or secured upon the high seas, ought to be delivered to the nearest authority of the United States, in one of the ports or harbors of the United States, or to an officer of the United States Navy in command of any vessel of war of the United States on the high seas. It is the pleasure of Her Majesty, however, that the crew should not be given up to the United States authorities, but allowed to go free in such manner as may at the time be most convenient.

[658] *I have accordingly to request your lordships to issue such instructions as you shall deem best calculated to carry these decisions and orders into effect.

I am, &c.,
(Signed) RUSSELL.

No. 50.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *October* 7, 1865.

Similar instructions to be given to colonial governors.

SIR: I am directed by Earl Russell to transmit to you the accompanying letter which his lordship has addressed to the lords commissioners of the admiralty, respecting the treatment by Her Majesty's naval officers of the vessel Shenandoah and her crew,[1] in case of her entering a British port, or being fallen in with by one of Her Majesty's ships of war on the high seas; and I am to request that in laying the same before Mr. Cardwell you will move him to issue similar instructions to the governors and other officers of Her Majesty's colonies.

I am, &c.,
(Signed) E. HAMMOND.

No. 51.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, *October* 9, 1865. (Received October 10.)

SIR: I am directed by the secretary of state for the colonies, to transmit to you, for the information of Earl Russell, copy of a dispatch from the governor of St. Helena, reporting that the United States sloop of war Iroquois had taken off from Tristan d'Acunha the persons landed there from the Shenandoah.

I am, &c.,
(Signed) T. FRED'K ELLIOT.

[Inclosure in No. 51.]

Governor Sir C. Elliot to Mr. Cardwell.

ST. HELENA, *September* 3, 1865.

SIR: Begging leave to refer to my dispatch, I have the honor to report that Commander Rodgers, of the United States sloop of war Iroquois, (which vessel called here on the 25th ultimo,) informed me that he had taken off from Tristan d'Acunha the people landed on that island from the Shenandoah, and conveyed them to the Cape of Good Hope in the early part of this year.

2. Commander Rodgers mentioned that he had been to the eastward in search of the Shenandoah, and believed she had proceeded to the Pacific, where it was to be apprehended she might do some mischief among the American whalers in those regions.

3. I collected that the Iroquois was bound to St. Thomas, and probably from thence to the United States.

I am, &c.,
(Signed) CHARLES ELLIOT.

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[1] No. 49.

No. 52.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *October* 13, 1865. (Received October 14.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, a copy of a dispatch from the governor of Vancouver's Island, inclosing copies of a correspondence between himself and the United States consul in that colony, on the subject of the detention of the Shenandoah; and I am to state that Mr. Cardwell [659] *proposes, should Lord Russell concur, to approve Governor Kennedy's conduct on the occasion.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 52.]

Governor Kennedy to Mr. Cardwell.

GOVERNMENT HOUSE, *Victoria, August* 16, 1865.

SIR: I have the honor to transmit the copy of a letter from Mr. Allen Francis, United States consul in this colony, together with my reply thereto.

I have conferred with Rear-Admiral the Honorable J. Denman, who will take measures to prevent the Shenandoah leaving the harbor of Esquimalt as an armed vessel in the case of her entering it, an event which I do not contemplate as probable.

I have, &c.,
(Signed) A. E. KENNEDY.

[Inclosure 2 in No. 52.]

Mr. Francis to Governor Kennedy.

CONSULATE OF THE UNITED STATES OF AMERICA,
Victoria, Vancouver's Island, August 7, 1865.

Correspondence with consul at Vancouver's Island.

SIR: With the chapter of sad news reaching us within the last few days touching the loss of the steamship Brother Jonathan, which has touched all hearts and filled many eyes with tears, it cannot have escaped your excellency's attention that there came also alarming statements of the doings of the war-vessel Shenandoah among the American whalemen and other American shipping in the Arctic Seas. Pretending to disbelieve all newspaper accounts of the end of the great rebellion in the United States and of the dissolution of the attempted confederate government, and especially failing to realize that all the commercial powers, including that of Great Britain, have withdrawn all belligerent rights from vessels sailing under the confederate flag, the commander of the Shenandoah continues the work of destruction with a desperation that brands him with the spirit of piracy rather than that of honorable warfare.

I beg to call your excellency's attention to the fact that Mr. Johnson, President of the United States of America, has proclaimed that, after reasonable time has elapsed for notice to reach the vessels of war sailing under the flag of the confederates of the collapse of their pretended government, the dispersion of their armies, and the capture or exile of its leading spirits, if such vessels continued the work of destruction, the officers and crew, in case of capture, should be treated as pirates. And in this connection I beg your excellency not to forget that some of the officers and almost the entire crew of the Shenandoah are Englishmen—are subjects of Her Majesty Queen Victoria.

This vessel sooner or later must be captured, and unless those Englishmen abandon her and cease the work in which they are engaged, they must suffer the penalty denounced by the President against them. Has your excellency no interest in warning them of their fate, and securing their escape in time?

But in another view. Your excellency can call to mind the time before the beginning of the terrible civil war in the United States, when the vessels of Her Majesty's government being attacked by the Chinese, the war-vessels of the United States made common cause with them in the interest of humanity, commerce, and civilization. The people of the United States and Great Britain cannot afford to forget that they are of common origin, language, and religion ; and it is the duty of us all to avail ourselves of every opportunity to cultivate the good feeling which ought to exist between the two governments. Enough causes of irritation growing out of the late insurrection in the United States trouble the diplomacy of these countries, and we ought to prevent, as far as we can, the addition of others.

Such an opportunity is now afforded you. Some of Her Majesty's gun-boats are now in these waters, and are unoccupied. A short cruise would probably put one of them in communication with Captain Waddell, who commands the Shenandoah, and a friendly communication to him by the commander of one of Her Majesty's vessels of the altered condition of things, would probably be accepted as true, and result in the abandonment of the wicked business in which he is engaged.

[660] *I humbly and respectfully, but earnestly, represent the necessity of an effort on your part to secure this result.

I have, &c.,
(Signed) ALLEN FRANCIS,
United States Consul.

[Inclosure 3 in No. 52.]

Governor Kennedy to Mr. Francis.

VANCOUVER'S ISLAND, GOVERNMENT HOUSE, VICTORIA,
August 8, 1865.

SIR: I have the honor to receive your letter of yesterday's date, referring to the destruction of American merchant-ships by the war-vessel Shenandoah, and suggesting that one of Her Majesty's ships-of-war should communicate with that vessel, to inform the officer in command of the withdrawal of belligerent rights.

I beg to assure you that I greatly deplore the continuance of these purposeless depredations upon American commerce, and I would readily stretch my authority to put an end to them were the means at my disposal.

I will put myself in communication with Rear-Admiral the Honorable J. Denman, who will, I am sure, use all legitimate means to remedy an evil which I feel confident he deprecates as strongly as I do.

With reference to the loss of the steamship Brother Jonathan, I may inform you that Admiral Denman would have sent a ship of war immediately to the scene of the disaster had there been one in the harbor available.

I have, &c.,
(Signed) A. E. KENNEDY.

No. 53.

Sir F. Rogers to Mr. Hammond.

[Pressing.]

DOWNING STREET, *October* 14, 1865. (Received October 14.)

Proposed circular to colonies.

SIR: I am directed by Mr. Secretary Cardwell to state that he proposes, with Earl Russell's concurrence, to issue the circular instructions, of which a draught is inclosed, respecting the vessel Shenandoah.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 53.]

Draught of circular dispatch to governors of colonies.

DOWNING STREET, *October*, 1865.

SIR: Her Majesty's government having received information that the ship Shenandoah, after having been duly apprised that the confederate flag had ceased to be recognized by any nation as the flag of a belligerent, has continued her captures and depredations on the high seas, have determined to instruct the commanders of Her Majesty's ships of war forcibly to detain such vessel if she comes into port, and also forcibly to seize her upon the high seas if she be found sailing upon the high seas equipped as a vessel of war.

And inasmuch as such vessel, if she be equipped as a vessel of war, belongs to the Government of the United States, Her Majesty's government have decided that such vessel, whether detained in one of Her Majesty's ports or secured upon the high seas, ought to be delivered to the nearest authority of the United States, in one of the ports or harbors of the United States, or to an officer of the United States Navy in command of any vessel of war of the United States on the high seas.

It is the pleasure of Her Majesty, however, that the crew should not be given up to the United States authorities, but allowed to go free in such manner as may at the time be most convenient.

I have accordingly to request that, in case the Shenandoah should enter any port within your government, you will, as far as practicable, take these instructions as your guide, and will in all cases afford the commanders of Her Majesty's ships of war all countenance and assistance in your power toward carrying them into effect.

I have, &c.

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[661] *No. 54.

Mr. Murray to Sir F. Rogers.

FOREIGN OFFICE, *October* 19, 1865.

SIR: I have laid before Earl Russell your letter of the 13th instant, inclosing copies of a correspondence between the governor of Vancouver's Island and the United States consul at Victoria, respecting the Shenandoah; and I am, in reply, to request that you will state to Mr. Secretary Cardwell that Lord Russell concurs in approving the governor's proceedings.

I am, &c.,
(Signed) JAMES MURRAY.

No. 55.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 26, 1865. (Received October 27.)

Measures taken by Admiral Denman.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, extracts from a letter of Rear-Admiral the Hon. J. Denman, dated at Esquimalt, the 7th September, reporting the measures taken by the United States cruisers for the capture of the Shenandoah, and that he has given orders, in case that vessel should put into Esquimalt, that she should not be allowed to leave the harbor without disarming completely.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 55.]

Rear-Admiral Denman to the secretary to the admiralty.

[Extract.]

ESQUIMALT, *September* 7, 1865.

The United States paddle-steamer Saranac, 13 guns, left this on the 23d August for the Sandwich Islands, in quest of the Shenandoah; and the Suwanee, paddle-steamer

10 guns, arrived here on the 24th ultimo, on the same service, and is held in readiness to proceed at a moment's notice, on the receipt of any information respecting the Shenandoah's movements.

I have given orders that, in case the Shenandoah shall put into this harbor, she is not to be allowed to leave it without disarming completely.

No. 56.

Mr. Hamilton to Mr. Hammond.

TREASURY, *November* 6, 1865. (Received November 6.)

MY DEAR HAMMOND: We have just received a telegram, through the customs, from Liverpool, that the Shenandoah has arrived there.

Arrival at Liverpool, November 6.

We have sent the communication to the home office, considering that, being now in the port of Liverpool, she comes within the province of the home office; but I think it desirable to let you know.

Sincerely, yours,
(Signed) GEO. A. HAMILTON.

No. 57.

Mr. Grimston to the Earl of Clarendon.

[Telegraphic.]

LIVERPOOL, *November* 6, 1865. (Received November 6.)

The confederate privateer Shenandoah arrived in the Mersey at 12 o'clock to-day.

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[662] *No. 58.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 6, 1865. (Received November 6.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith, as received from the treasury, the inclosed copy of a report from the commissioners of customs, with copy of a telegram from the assistant collector at Liverpool, announcing the arrival of the Shenandoah at Liverpool; and I am to request that you will lay the same before the Earl of Clarendon.

Report from customs.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 58.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *November* 6, 1865.

SIR: I am desired by the board of customs to transmit herewith, for the information of the lords commissioners of Her Majesty's treasury, copy of a telegram which the board have received from their assistant collector at Liverpool, stating that the Shenandoah has arrived at that port, and that officers of this revenue have been placed on board; and I am directed to signify the request of the board to be favored with instructions from their lordships for the future guidance of the officers.

I am, &c.,
(Signed) GEO. DICKINS, *Assistant Secretary.*

[Inclosure 2 in No. 58.]

The assistant collector at Liverpool to secretary of customs, London.

[Telegraphic.]

NOVEMBER 6, 1865.

Shenandoah has arrived; officers placed on board pending board's directions.

No. 59.

Commander Fisher to the secretary to the admiralty.

[Telegraphic.]

EAGLE, *Liverpool, November* 6, 1865.

Confederate vessel of war Shenandoah just arrived; the vessel is fully manned and armed; no colors flying.

No. 60.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 6, 1865. (Received November 6.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a telegram just received from Commander Fisher, of Her Majesty's ship Eagle, reporting that the Shenandoah has been delivered up to the commissioner of customs at Liverpool, and that a party from Her Majesty's ship Donegal has taken charge of the vessel.

My lords desire to know whether any instructions are to be sent with regard to the treatment of the officers and men of the Shenandoah.

I am, &c.,
(Signed) W. G. ROMAINE.

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[663] [*Inclosure in No. 60.]

Commander Fisher to the secretary to the admiralty.

[Telegraphic.]

EAGLE, *at Liverpool, November* 6, 1865.

Confederate vessel Shenandoah has been delivered up by her commander to customs authorities, and he has forwarded this day to Earl Russell a letter explanatory of his proceedings. A party from Her Majesty's ship Donegal has been ordered to take charge of the vessel at the request of the collector of customs.

Vessel delivered by her commander to customs authorities.

No. 61.

Mr. Hammond to the law-officers of the Crown.

[Pressing.]

FOREIGN OFFICE, *November* 6, 1865.

GENTLEMEN: With reference to the instructions which, after communication with you, were sent to the admiralty on the 6th of last month, respecting the Shenandoah, of which I inclose a copy, I am directed by the Earl of Clarendon to state to you that it appears by a telegram received from the senior naval officer at Liverpool this morning, that the Shenandoah was just arrived at that port, fully manned and armed, but with no colors flying; and I am to request that you will inform the Earl of Clarendon, at your earliest convenience, what instructions should be sent to the naval and military authorities at Liverpool with regard to this vessel, and specifically whether they should be ordered to prevent the vessel by force, if necessary, from leaving the Mersey, in anticipation of any further steps to be taken in regard to her, supposing you are not at once prepared to report on the latter point.

I am, &c.,
(Signed) E. HAMMOND.

P. S.—I am to add, that pending the receipt of your report, the board of admiralty have ordered the vessel to be, if necessary, embargoed, in order to guard against any attempt being made by the vessel suddenly to leave the Mersey.

No. 62.

Law-officers of the Crown to the Earl of Clarendon.

[Pressing.]

LINCOLN'S INN, *November* 6, 1865. (Received November 6.)

Opinion of law-officers.

MY LORD: We are honored with your commands signified in Mr. Hammond's letter of this day's date, stating that, with reference to the instructions which, after communication with us, were sent to the admiralty on the 6th of last month, respecting the Shenandoah, he was directed by your lordship to state to us, that it appears by a telegram received from the senior naval officer at Liverpool this morning, that the Shenandoah has just arrived at that port, fully manned and armed, but with no colors flying; and to request that we would inform your lordship, at our earliest convenience, what instructions should be sent to the naval and military authorities at Liverpool with regard to this vessel, and specifically whether they should be ordered to prevent the vessel, by force, if necessary, from leaving the Mersey, in anticipation of any further steps to be taken in regard to her, supposing we were not at once prepared to report upon the latter point.

Mr. Hammond was also pleased to state that he was directed by your lordship to add that, pending the receipt of our report, the board of admiralty have ordered this vessel to be, if necessary, embargoed, in order to guard against any attempt being made by the vessel suddenly to leave the Mersey.

In obedience to your lordship's commands, we have taken this matter into our consideration, and have the honor to report—

That we think the proper mode of dealing with the Shenandoah, under the circumstances in which she has now entered the Mersey, requires further and more deliberate consideration. Our former advice, and the instructions of Her Majesty's government, founded upon it, must be understood to have proceeded upon the hypothesis of the ship, at the time when any question of this kind might arise, still retaining, or assuming, the character of a public ship of war. The circumstance [664] of her being now fully manned and *armed, though not flying any flag, may possibly not be conclusive upon that point. We think it will be clearly proper that she should not be suffered, under present circumstances, to leave the Mersey, at all events until the case shall have been further considered; and it seems to us desirable that inquiry should be made from her commander, or other chief officer on board, as to the character in which he claims to have his vessel regarded, and the person or persons to whom he alleges her to belong, and by virtue of what title they claim. If it should appear that any question of private ownership, by transfer to any persons in this country, or otherwise, is intended to be raised, it may, perhaps, become necessary for the Government of the United States, should they think fit to assert their title, to establish it by legal proceedings in the court of admiralty, which, of course, could only be done by the authority and with the concurrence of Mr. Adams, who is (we presume) informed of the ship's arrival in this country.

We have, &c.,

(In the absence of the Queen's advocate,)

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

No. 63.

Mr. Hammond to the law-officers of the Crown.

FOREIGN OFFICE, *November* 6, 1865.

GENTLEMEN: I am directed by the Earl of Clarendon to acknowledge the receipt of your report of this day in the case of the Shenandoah, and I am to acquaint you that a further telegram has this afternoon been received from the senior naval officer of Liverpool, stating that the commander of the Shenandoah has given up the vessel to the customs authorities, and that a party of men from Her Majesty's ship Donegal has, at the request of the collector of customs, been ordered to take charge of the vessel.

It appears that the commander of the Shenandoah has forwarded a letter to Lord Russell, which will doubtless be received to-morrow, explanatory of his proceeding.

The board of admiralty request to be informed what instructions are to be sent to Liverpool with regard to the treatment of the officers and men of the Shenandoah.

Lord Clarendon, however, concludes that it would be desirable to await the explanation of the commander of the Shenandoah before taking any other steps; but, if you should be of a different opinion, I am to request that you will inform his lordship what answer should be returned to the board of admiralty's inquiry.

I have, &c.,

(Signed) E. HAMMOND.

No. 64.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *November* 7, 1865—12.45 p. m.
(Received November 7.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a telegram just received from Captain Paynter, of Her Majesty's ship Donegal at Liverpool, requesting instructions with regard to the Shenandoah, and the officers and men.

Report of Captain Paynter.

My lords desire to know what answer shall be sent to Captain Paynter.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 64.]

Captain Paynter to the secretary to the admiralty.

[Telegraphic.]

NOVEMBER 7, 1865. (Received November 7—12.40 p. m.)

Have placed the gun-boat Goshawk alongside the Shenandoah. Captain Waddell wishes to know whether he can have permission to land. No attempt will be [665] *made to leave. Some of her crew have scurvy. Can they be landed? Are the crew and officers to be kept on board?

Recommend she should go into Birkenhead float as soon as possible. An officer will wait at telegraph office for orders.

No. 65.

Mr. Hamilton to Mr. Hammond.

TREASURY, *November* 7, 1865. (Received November 7.)

MY DEAR HAMMOND: Since you were here a telegram has come from the collector of customs, Liverpool, to inquire whether the men of the Shenandoah may land.

We have sent it to home office.

Sincerely, &c.,
(Signed) GEO. A. HAMILTON.

No. 66.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *November* 7, 1865. (Received November 7.)

SIR: I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the consideration of the secretary of state, the inclosed copy of a report from the board

Report from customs.

of customs of this day's date, and of its inclosures, further on the subject of the arrival of the confederate war-steamer Shenandoah at Liverpool.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 66.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *November* 7, 1865.

SIR: With reference to my letter of the 6th instant, I am directed to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copies of reports of the officers of this revenue at Liverpool, relative to the arrival, at that port, of the vessel Shenandoah, a war-steamer lately in the service of the so-called Confederate States of America.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 66.]

Mr. Hayward to Messrs. Stewart and Lilley.

BOARDING-STATION, *November* 6, 1865.

GENTLEMEN: We beg to report, for your information, that the celebrated confederate war-steamer Shenandoah, Captain Waddell, arrived in the river at 10 a. m. this day.

We have boarded four officers on the vessel, and placed her under detention pending your directions in this case.

Respectfully, &c.,
(Signed) R. HAYWARD,
Acting Surveyor.

[Inclosure 3 in No. 66.]

Messrs. Stewart and Lilley to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool*, *November* 6, 1865.

HONORABLE SIRS: Immediately on receiving the foregoing intelligence, we reported
the same to the board per telegram. Captain Fisher—in the absence of Captain
[666] Paynter—commanding *Her Majesty's ship Donegal, called at the custom-house
respecting the vessel, and was requested to take such steps as would prevent the
Shenandoah leaving the port, should the captain be so inclined.

The inspector general has been on board, and Captain Waddell informed him that on approaching this country he had ascertained that the American war had ceased, and that he had come into port with the intention of surrendering to the British government, and that he had already written to Earl Russell to that effect. We have given directions that no one be permitted to land from the vessel pending your instructions. The officers and crew consist of one hundred and twenty-eight men, all told. The captain stated the guns were below; that he was very short of provisions; and that there were about one hundred and thirty tons of coal on board.

(Signed) W. G. STEWART,
Acting Collector.
J. W. LILLEY,
Inspector General.

No. 67.

Mr. Hamilton to Mr. Waddington.

TREASURY CHAMBERS, *November* 7, 1865.

SIR: With reference to my letter of yesterday's date, on the subject of the arrival of the vessel Shenandoah at Liverpool, I am directed by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copy of a telegram which has been received by the board of customs from the collector of customs at Liverpool; and I am desired to request that you will lay the same before Sir George Grey, and inform me what instructions should be issued to the collector, in reply to his inquiry whether the officers and men of the Shenandoah may quit the ship.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 67.]

Mr. Stewart to Mr. Dickins.

[Telegraphic.]

[Immediate.]

LIVERPOOL, *November* 6, 1865.

The Shenandoah. Can the officers and men quit the vessel, if so disposed?

No. 68.

Mr. Waddington to Mr. Hammond.

[Pressing.]

WHITEHALL, *November* 7, 1865. (Received November 7.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith copies of letters from the treasury, and of two inclosures relative to the arrival of the late confederate steamer Shenandoah at Liverpool, and inquiring whether the officers and men may be allowed to leave the vessel; and I am to request that you will submit the same to the Earl of Clarendon, for his lordship's consideration and directions thereon. Lord Clarendon is, of course, aware that the crime of piracy is one of the crimes named in the Xth article of the treaty of Washington.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 68.]

Mr. Hamilton to Mr. Waddington.

TREASURY, *November* 7, 1865.

SIR: I am directed by the lords commissioners of Her Majesty's treasury to transmit herewith, for the consideration of the secretary of state, the inclosed copy of a report from the board of customs, of this day's date, and of its inclosures, further on the subject of the arrival of the confederate war-steamer Shenandoah at Liverpool.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[667] *[Inclosure 2 in No. 68.]

Mr. Dickins to Mr. Hamilton, November 7, 1865.

[See inclosure 1 in No. 66.]

[Inclosure 3 in No. 68.]

Mr. Hayward to Messrs. Stewart and Lilley, November 6, 1865.

[See inclosure 2 in No. 66.]

[Inclosure 4 in No. 68.]

Messrs. Stewart and Lilley to the commissioners of customs, November 6, 1865.

[See inclosure 3 in No. 66.]

No. 69.

Mr. Hammond to the law-officers of the Crown.

[Pressing.]

FOREIGN OFFICE, *November* 7, 1865.

Mr. Hammond presents his compliments to Her Majesty's attorney, solicitor, and advocate general, and, with reference to his letter of last evening respecting the case of the Shenandoah, is directed by the Earl of Clarendon to transmit to them a letter from the admiralty, inclosing a telegram from Captain Paynter, of Her Majesty's ship Donegal, stating that he has placed Her Majesty's gun-boat Goshawk alongside the Shenandoah, and requesting to know whether Captain Waddell and some of the crew, who have scurvy, may be permitted to land, and whether the crew and officers are to be kept on board.[1] Captain Paynter also recommends that the Shenandoah should be placed in the Birkenhead float as soon as possible. Mr. Hammond is to request that the law-officers will take this matter into their consideration, and report to Lord Clarendon, at their earliest convenience, their opinion as to the instructions which should be sent to Captain Paynter.

No. 70.

Captain Waddell to Earl Russell.

SHENANDOAH, *November* 6, 1865. (Received November 7.)

MY LORD: I have the honor to announce to your lordship my arrival in the waters of the Mersey with this vessel, lately a ship of war under my command, belonging to the Confederate States of America.

The singular position in which I find myself placed, and the absence of all precedents on the subject, will, I trust, induce your lordship to pardon a hasty reference to a few facts connected with the cruise lately made by this ship.

I commissioned the ship in October, 1864, under orders from the naval department of the Confederate States; and, in pursuance of the same, commenced actively cruising against the enemy's commerce. My orders directed me to visit certain seas in preference to others; in obedience thereto I found myself in May, June, and July of this year in the Okhotsk Sea and Arctic Ocean. Both places, if not quite isolated, are still so far removed from the ordinary channels of commerce that [668] months would elapse before any news could * reach there as to the progress or termination of the American war. In consequence of this awkward circumstance I was engaged in the Arctic Ocean in acts of war as late as the 28th day of June, in ignorance of the serious reverses sustained by our arms in the field, and the obliteration of the government under whose authority I had been acting.

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[1] Inclosure in No 64.

This intelligence I received for the first time on communicating at sea, on the 2d of August, with the British bark Barracouta, of Liverpool, fourteen days from San Francisco. Your lordship can imagine my surprise at the receipt of such intelligence, and I would have given to it little consideration if an Englishman's opinion did not confirm the war news, though from an enemy's port. I desisted instantly from further acts of war, and determined to suspend further action until I had communicated with an European port, where I would learn if that intelligence were true. It would not have been intelligent in me to convey this vessel to an American port for surrender simply because the master of the Barracouta had said the war "was ended." I was in an embarrassing position; I diligently examined all the law-writers at my command, searching a precedent for my guidance in the future control, management, and final disposal of the vessel. I could find none. History is, I believe, without a parallel.

Finding the authority questionable under which I considered this vessel a ship of war, I immediately discontinued cruising, and shaped my course for the Atlantic Ocean.

As to the ship's disposal, I do not consider that I have any right to destroy her, or any further right to command her. On the contrary, I think that, as all the property of the government has reverted, by the fortune of war, to the Government of the United States of North America, that therefore this vessel, inasmuch as it was the property of the Confederate States, should accompany the other property already reverted. I therefore sought this port as a suitable one wherein to "learn the news," and, if I am without a government, to surrender the ship with her battery, small-arms, machinery, stores, tackle, and apparel complete to Her Majesty's government for such disposition as in its wisdom should be deemed proper.

I have, &c.,
(Signed) JAMES J. WADDELL.

No. 71.

Mr. Hammond to the law-officers of the Crown.

[Pressing.]

FOREIGN OFFICE, *November* 7, 1865.

GENTLEMEN: I am directed by the Earl of Clarendon to transmit to you, with reference to my letters of yesterday evening and of this morning respecting the Shedandoah, a copy of a letter from Captain Waddell, stating the circumstances under which he came to this country, and his surrender of the vessel to the custom-house authorities.[1]

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[1] No. 70.

No communication has yet been received from Mr. Adams on the subject; but he stated yesterday to the Earl of Clarendon that he should address a note to his lordship, requesting the surrender of the vessel, as having become the property of the United States.

I am now to request your opinion, at your earliest convenience, on the case as now before you, and as to the instructions which should be given to the naval authorities at Liverpool, for the disposal of the vessel, her officers, and crew.

I am, &c.,
(Signed) E. HAMMOND.

No. 72.

Mr. Hammond to the law-officers of the Crown.

[Pressing.]

FOREIGN OFFICE, *November* 7, 1865.

GENTLEMEN: With reference to my several letters of this date on the subject of the Shenandoah, I am directed by the Earl of Clarendon to transmit to you the accompanying further letters from the treasury, and also a letter and its inclosure from the home office respecting this vessel and her officers and crew;[1] and I am to request that you will take the same into your consideration, and favor Lord Clarendon at your earliest convenience with your opinion thereupon.

[669] *I also inclose, for convenience of reference, two dispatches from Her Majesty's consul general at the Havana, and also a letter and its inclosure from the admiralty, showing what took place at the Havana with reference to the surrender of the ram Stonewall.

I am, &c.,
(Signed) E. HAMMOND.

No. 73.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 7, 1865. (Received November 7, 2.46 p. m.)

Request from Mr. Adams for the delivery of the vessel.

MY LORD: I have the honor to submit to your consideration the copy of a letter received by me from the vice-consul of the United States at Liverpool, touching the arrival, yesterday, of the vessel known as the Shenandoah at that port.

Although necessarily without special instructions relative to this case, I do not hesitate to assume the responsibility of respectfully requesting of Her Majesty's government to take possession of the said vessel with a view to deliver it into the hands of my Government, in order that it may be properly secured against any renewal of the audacious and lawless proceedings which have hitherto distinguished its career.

I perceive by the terms of the vice-consul's letter that some of the chronometers, saved from the vessels which have fallen a prey to this corsair, are stated to be now on board. I pray your lordship that proper measures may be taken to secure them in such manner that they may be returned on claim of the owners to whom they justly belong.

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[1] Inclosures 1 and 2 in No. 68.

Inasmuch as the ravages of this vessel appear to have been continued long after she ceased to have a belligerent character, even in the eyes of Her Majesty's government, it may become a question in what light the persons on board and engaged in them are to be viewed before the law. The fact that several of them are British subjects is quite certain. While I do not feel myself prepared at this moment, under imperfect information, to suggest the adoption of any course in regard to them, I trust I may venture to hope that Her Majesty's government will be induced, voluntarily, to adopt that which may most satisfy my countrymen, who have been such severe sufferers, of its disposition to do everything in its power to mark its high sense of the flagrant nature of their offenses.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 73.]

Mr. Wilding to Mr. Adams.

LIVERPOOL, *November* 6, 1865.

SIR: I beg to inform you of the arrival at this port of the pirate steamer Shenandoah. She is now anchored in the Sloyne, in the river Mersey. She arrived with the confederate flag flying, but lowered it soon after entering the river. She has a crew of one hundred and thirty-three men, as near as I have been able to learn, and has on board a number of the chronometers taken from vessels destroyed.

I shall be glad to receive your instructions concerning her.

Very respectfully, &c.,
(Signed) H. WILDING.

No. 74.

The law-officers of the Crown to the Earl of Clarendon.

[Pressing.]

LINCOLN'S INN, *November* 7, 1865. (Received November 7.)

Opinion of law-officers as to surrender of vessel, and course to be pursued generally.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of yesterday's date, stating that he was directed by your lordship to acknowledge the receipt of our report of that day in the case of the Shenandoah, and to acquaint us that a further telegram had that afternoon been received from the senior naval officer at Liverpool, stating that the commander of the Shenandoah had given up the vessel to [670] *the customs authorities, and that a party of men from Her Majesty's ship Donegal had, at the request of the collector of customs, been ordered to take charge of the vessel.

Mr. Hammond was also pleased to state that it appears that the commander of the Shenandoah has forwarded a letter to Lord Russell, which would doubtless be received to-day, explanatory of his proceeding, and that the board of admiralty request to be informed what instructions are to be sent to Liverpool with regard to the treatment of the officers and men of the Shenandoah; but that your lordship, however, concludes that it would be desirable to await the explanations of the commander of the Shenandoah before taking any other steps, but that if we should be of a different opinion, he was to request that we would inform your lordship what answer should be returned to the board of admiralty's inquiry.

We are also honored with your lordship's commands, signified in Mr. Hammond's letter of this day's date, stating that with reference to his letter of last evening respecting the case of the Shenandoah, he was directed by your lordship to transmit to us a letter from the admiralty inclosing a telegram from Captain Paynter, of Her Majesty's ship Donegal, stating that he has placed Her Majesty's gunboat Goshawk alongside the Shenandoah, and requesting to know whether Captain Waddell and some of the crew who have scurvy may be allowed to land, or whether the crew and officers are to be kept on board. And that Captain Paynter also recommends that the Shenandoah should be placed in the Birkenhead float as soon as possible.

Mr. Hammond was also pleased to state that he was directed by your lordship to request that we would take this matter into consideration, and report to your lordship at our earliest convenience our opinion as to the answer which should be sent to Captain Paynter.

We are also honored with your lordship's commands, signified in Mr. Hammond's further letter of this day's date, stating that he was directed by your lordship to transmit to us with reference to his letters of yesterday evening and of this morning, respecting the Shenandoah, a copy of a letter from Captain Waddell stating the circumstances under which he came to this country, and his surrender of the vessel to the custom-house authorities.

Mr. Hammond was also pleased to state that no communication had yet been received from Mr. Adams on the subject, but that he had stated yesterday to your lordship that he should address a note to your lordship requesting the surrender of the vessel as having become the property of the United States. And that he was directed by your lordship to request our opinion at our earliest convenience on the cases now before us, and as to the instructions which should be given to the naval authorities at Liverpool for the disposal of the vessel, her officers, and crew.

We are also honored with your lordship's command, signified in Mr. Hammond's further letter of this day's date, stating that, with reference to his previous letters of this day, he was directed by your lordship to transmit to us therewith a letter just received from Mr. Adams, claiming the Shenandoah, requesting that any chronometers taken by her from captured American vessels may be delivered up on account of her owners, and alluding only to the disposal of her crew, and to request that we would take this letter into our immediate consideration with the papers already before us, and report to your lordship our opinion as to the course which should be pursued in the matter, and as to the answer which should be returned to Mr. Adams.

In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—

That we think it will be proper for Her Majesty's government, in compliance with Mr. Adams's request, to deliver up to him, on behalf of the Government of the United States, the ship in question, with her tackle, apparel, &c., and all captured chronometers, or other property capable of being identified as prize of war, which may be found on board her.

With respect to the officers and crew, we observe that Mr. Adams does not demand their surrender to the United States Government, and that the only question suggested by him is, whether they, or any of them, ought to be proceeded against, under the direction of Her Majesty's government, for some offense or offenses cognizable by British law. The only offense at which he distinctly points is that of violating the foreign-enlistment act, by taking part in hostilities on board of this ship; and, as to this, we think it would be proper, if some of these men are, as he says, British subjects, (by which we understand him to mean natural-born British subjects, for none others are within those provisions of the act which relate to enlistment or acts of war out of this country,) and if evidence can be obtained of that fact, to direct [671] proceedings to be taken against those persons, *under the 2d section of the foreign-enlistment act, 59 Geo. III, cap. 59, before they have become dispersed, so as to escape from justice. If the facts stated by Captain Waddell are true, there is clearly no case for any prosecution, on the ground of piracy, in the courts of this country; and we presume that Her Majesty's government are not in possession of any evidence which could be produced before any court or magistrate for the purpose of contravening that statement, or of showing that the crime of piracy has, in fact, been committed.

We conceive that the substance of the foregoing observations may properly be embodied in the reply to be given to Mr. Adams, and we think it may not be amiss to add that, of course, Mr. Adams and his Government must be well aware that any proceedings in this country against persons in the situation of the crew of the Shenandoah (as against all others) must be founded upon some definite charge of an offense cognizable by our laws and supported by proper legal evidence; and that Her Majesty's government are not at present in a position to say whether such a charge, supported by such evidence, can or cannot be brought against any of the persons in question.

With respect to any of the persons on board the Shenandoah who cannot be immediately proceeded against and detained, under legal warrant, upon any criminal charge, we are not aware of any ground on which they can properly be prevented from going on shore and disposing of themselves as they may think fit; and we cannot advise Her Majesty's government to assume or exercise the power of keeping them under any kind of restraint.

We have, &c.,

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
R. PHILLIMORE.

No. 75.

Mr. Hammond to the law-officers of the Crown.

[Pressing.]

FOREIGN OFFICE, *November* 7, 1865.

GENTLEMEN: With reference to my previous letters of this day, I am directed by the Earl of Clarendon to transmit to you herewith a letter just received from Mr. Adams, claiming the Shenandoah,[1] requesting that any chronometers taken by her from captured American vessels may be delivered up on account of her owners, and alluding only to the disposal of her crew; and I am to request that you will take this letter into your immediate consideration, with the papers already before you, and report to the Earl of Clarendon your opinion as to the course which should be pursued in the matter, and as to the answer which should be returned to Mr. Adams.

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[1] No. 73.

I am, &c.,
(Signed) E. HAMMOND.

No. 76.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 7, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of this day, having reference to the arrival at Liverpool of the late confederate steamer Shenandoah, and I lose no time in confirming to you officially what I stated to you yesterday evening privately, that the Shenandoah was yesterday given up by her commander to Her Majesty's authorities at Liverpool, and that she is now in the custody of Her Majesty's naval force at that port.

Mr. Adams informed that Shenandoah is in charge of British naval authorities.

I have to add that the other points adverted to in your letter will receive immediate attention, and I hope shortly to be able to communicate further with you on the subject.

I am, &c.,
(Signed) CLARENDON.

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[672] *No. 77.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *November* 8, 1865.

SIR: It appears from the letter received from you which I have laid before the Earl of Clarendon, that Sir George Grey is fully aware of the circumstances of the arrival of the late confederate vessel Shenandoah in the port of Liverpool, and of her delivery up by her commander to Her Majesty's authority, in whose keeping the vessel, with her appurtenances and crew, now are.

Delivery to United States.

I inclose, to be laid before Secretary Sir George Grey, a copy of a letter from Captain Waddell, the commander of the Shenandoah, and a copy of one from the American minister, claiming the vessel on behalf of his Government.[1]

No time was lost in referring these documents and the several communications from the board of admiralty on the subject, of which copies are inclosed, together with copies of the references themselves, to the law-officers of the Crown, from whom two reports, of which I also inclose copies, have been received.

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[1] Nos. 70 and 73.

The first of these reports was drawn up previously to the fact of the surrender of the Shenandoah being made known to the law-officers, and it is therefore only to the last, dated yesterday, to which I am now to call Sir George Grey's attention.

The law-officers, as Sir George Grey will perceive, are of opinion: 1st. That the vessel and its appurtenances should be given up to the American minister. 2dly. That such of her crew as are British subjects should, if sufficient evidence can be obtained, be proceeded against for a breach of the foreign-enlistment act. 3dly. That such of her crew as cannot be proceeded against under that act should be set free.

Lord Clarendon will immediately make known to Mr. Adams, in the manner suggested by the law-officers, the decision of Her Majesty's government to deliver to him the Shenandoah and her appurtenances, including the chronometer claimed specifically by Mr. Adams, and other property capable of being identified as prize of war which may be found on board of her.

For the other proceedings recommended by the law-officers, Sir George Grey will doubtless provide, in communication with the board of admiralty, in the custody of whose officers the vessel and her crew now are; and the board of admiralty will be requested to place themselves in communication with Sir George Grey on the subject.

I am only further to call Sir George Grey's attention to the fact of sickness having broken out among the crew of the vessel, with a view to proper measures being taken for their receiving medical treatment, while care is taken that any of her sick, who are subjects for prosecution, should not, in consequence of their removal from the ship, have an opportunity of escaping.

But as some little time must necessarily be occupied in dealing with the vessel and crew according to the report of the law-officers, Lord Clarendon proposes, in communicating to Mr. Adams the intention to surrender her, to prepare him for a moderate delay before the surrender is effected; and his lordship will await a communication from Sir George Grey announcing that the vessel is ready to be surrendered before he invites Mr. Adams to make arrangements for receiving charge of her after a specified day.

I am, &c.,
(Signed) E. HAMMOND.

No. 78.

The law-officers of the Crown to the Earl of Clarendon.

LINCOLN'S INN, *November* 8, 1865. (Received November 8.)

Opinion of law-officers as to extradition for piracy and treatment of the crew.

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 7th instant, stating that with reference to his several letters of yesterday's date on the subject of the Shenandoah, he was directed by your lordship to transmit to us the accompanying further letters from the treasury, and also a letter and its inclosure from the home office, respecting this vessel and her officers and crew; and Mr. Hammond was pleased to request that we would take the same into consideration, and furnish your lordship with our opinion thereupon. Two dispatches from Her Majesty's consul-general at the Havana, and also a letter and its inclosure from the admiralty, showing what took

[673] *place at the Havana with reference to the surrender of the ram Stonewall, was also inclosed for convenience of reference.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That we do not conceive any question to arise in this case under the tenth article of the treaty of Washington. Mr. Adams has not demanded the surrender of any of the officers or crew of the Shenandoah under that treaty or otherwise; and according to the decision of the majority of the judges of the court of Queen's bench in the case of the Joseph Gerrity, (10 Law Times' Reports, new series, p. 499,) the offense of piracy, mentioned in the tenth article of the treaty, does not extend to any piracy committed upon the high seas, (though on board a United States vessel,) which, according to British law, would be triable in a British court.

With respect to the question whether the officers and crew of the Shenandoah may now be permitted to leave the ship and to go on shore, we have only to repeat the opinion expressed in our report of yesterday's date, namely, that these persons being now in this country and entitled to the benefit of our laws, cannot be detained, except under legal warrant upon some criminal charge duly preferred against them in the ordinary course of law. If Her Majesty's government are now in possession, or consider it probable that, if an information were laid before a magistrate, they would shortly be in possession of evidence against any of these persons sufficient to justify their committal for trial, either upon any charge of misdemeanor under the foreign-enlistment act or upon the graver charge of piracy, we think it would be right and proper to take the necessary proceedings without delay, in order to have such charge duly investigated; but, at the present time, we are not informed of any evidence in the possession or power of Her Majesty's government by which such a charge would be likely to be established.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 79.

Mr. Hammond to Mr. Waddington.

[Pressing.]

FOREIGN OFFICE, *November* 8, 1865.

Opinion of law-officers upon representation of Hawaiian consul-general.

SIR: With reference to my letter of this morning, I am directed by the Earl of Clarendon to transmit to you, to be laid before Secretary Sir G. Grey, a copy of a further report from the law-officers of the Crown respecting the steps to be taken in regard to the Shenandoah, her officers, and crew.[1]

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 78.

No. 80.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *November* 8, 1865.

Reply to Hawaiian consul-general.

SIR: With reference to the communications made by the admiralty to this office respecting the arival of the Shenandoah at Liverpool, and her surrender to Her Majesty's authorities at that port, I am directed by the Earl of Clarendon to request that you will move the lords commissioners of the admiralty to place themselves in communication with Secretary Sir George Grey, who has been furnished by Lord Clarendon with a copy of the reports of the law-officers of the Crown on the case, and who has been requested to take the necessary steps in conformity with their opinion; and also to communicate with the board of admiralty on the subject.

I am, &c.,
(Signed) E. HAMMOND.

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[674]

*No. 81.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *November* 8, 1865.

SIR: I have laid before the Earl of Clarendon your letters of yesterday's date, and their inclosures, respecting the arrival of the Shenandoah in the river Mersey; and I am to request that you will state to the lords commissioners of Her Majesty's treasury, in reply, that this case has been placed in the hands of the secretary of state for the home department.

I am, &c.,
(Signed) E. HAMMOND.

No. 82.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 8, 1865. (Received November 8.)

Report from Captain Paynter. Crew want to land.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a telegram received from Captain Paynter, of Her Majesty's ship Donegal, at 2.7 p. m. this day, relative to the Shenandoah.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 82.]

Captain Paynter to the secretary to the admiralty.

[Telegraphic.]

DONEGAL, *Livevpool, November* 8, 1865, 2.7 p. m.

Confederate crew very dissatisfied; want to land; some attempted, but did not succeed; officers without power. Your instructions requested.

No. 83.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *November* 8, 1865. (Received November 9.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter, dated the 7th instant, from Captain Paynter, of Her Majesty's ship Donegal, with copies of its inclosures, reporting proceedings relative to the Shenandoah.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 83.]

Captain Paynter to the controller general of the coast guard.

DONEGAL, *Rock Ferry*, *November* 7, 1865.

Proceedings of Captain Paynter to secure detention of the vessel.

SIR: A dispatch having been sent after me informing me of the arrival of the Shenandoah (late confederate cruiser) in the river Mersey, I have the honor to report that I returned to this ship last night, and intend postponing my visit to the northern divisions of my district until a definite decision has been come to relative to that vessel's disposal. I have placed the Goshawk tender alongside the Shenandoah to assist the custom-house authorities, but I do not apprehend that any attempt will be made on her part to leave the port.

This morning I had an interview with Captain Waddell, of the Shenandoah, and [675] *he appears to be only desirous of complying with any directions that may be given by Her Majesty's government as to the disposal of the vessel and crew. He at the same time expressed dissatisfaction at the custom-house authorities not permitting him to land.

The Shenandoah has a complement of 133 officers and men, and an armament of four 55 cwt. 8-inch guns, two 33 cwt. Whitworth rifled-guns, and two 12-pounders, which they have taken off her deck and placed in the main hold. She has now on board 2 tons of powder and 45 tons of shot and shell, and about 130 tons of coal; also a quantity of salt provisions, 54 chronometers, and $820.40 in money.

She has touched at no place since leaving Melbourne in February last, with the exception of the Island of Ascension, in the West Pacific, in April. She has been 400 days at sea since she was commissioned on the 19th October, 1864, and 130 days since leaving the Arctic, and has made no captures since leaving there. She has destroyed 32 ships and ransomed 6 during her commission.

There are three bad cases of scurvy on board, and a number of the men have symptoms of this disease.

The Shenandoah is now lying just ahead of the Donegal, at single anchor, with sixty fathoms of cable, and the Goshawk is lashed alongside her.

I beg to inclose copies of the telegrams which have passed between the secretary of the admiralty and myself, and a letter from the artillery officer at North Fort, requesting instructions, with my reply thereto; also a copy of the instructions I have given to Lieutenant Cheek, in command of the Goshawk.

I have, &c.,
(Signed) J. A. PAYNTER.

[Inclosure 2 in No. 83.]

Telegrams between the secretary of the admiralty and Captain Paynter, with reference to the detention of the Shenandoah, (late confederate cruiser.)

The secretary to the admiralty to Captain Paynter.

The following message has been sent from war office to Lieutenant Marshall, R. N., North Fort, Liverpool: "Orders have been sent to Her Majesty's ship Donegal not to allow Shenandoah to leave the river or to take in coal. If necessary, you will give the support of batteries on shore."

Captain Paynter to the secretary to the admiralty.

Have placed the Goshawk alongside Shenandoah. Captain Waddell wishes to know whether he can have permission to land. No attempt will be made to leave. Some of his crew have scurvy. Can they be landed? Are the crew and officers to be kept on board? Recommend she should go into Birkenhead float as soon as possible.

[Inclosure 3 in No. 83.]

Lieutenant Marshall, R. A., to Captain Paynter.

NORTH FORT, *November* 7, 1865, 1 a. m.

SIR: Having received a telegram from the secretary of state for war, to give you the support of the batteries on shore, if necessary, should the Shenandoah attempt to leave the river, I beg to request you will be pleased to favor me with any instructions you may consider necessary on the subject. The officer commanding the royal artillery in the district has arrived from Manchester, in consequence of having received a similar communication.

I have, &c.,
(Signed) H. MARSHALL.

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[676] *[Inclosure 4 in No. 83.]

Captain Paynter to Lieutenant Marshall.

DONEGAL, *Rock Ferry, November* 7, 1865.

SIR: In reply to your communication of to-day, I have to inform you that the Shenandoah has surrendered to Her Majesty's ship Donegal, and that I have placed the Goshawk gun-boat alongside her.

There is no intention on the part of Captain Waddell to attempt to leave that port, but it is desirable that a strict watch be kept at the entrance of the river.

I am, &c.,
(Signed) J. A. PAYNTER.

[Inclosure 5 in No. 83.]

Order addressed to Lieutenant A. D. Cheek, commanding Her Majesty's gun-boat Goshawk.

DONEGAL, *Rock Ferry, November* 7, 1865.

MEMO.—You are to remain lashed alongside the Shenandoah, with your fires banked, during her stay in the river; you are not to allow her to weigh anchor, nor light her fires, nor to hoist out any property that may be fairly considered as belonging to the American Government.

You are to assist the custom-house officers in the execution of their duties, and to have two sentries on board Shenandoah for that purpose, and to give timely notice of any infringement of the laws of the port.

You are not to allow any communication between the crews of the respective vessels; and you are to keep your crew and the supernumerary marines ready for immediate service.

Should any attempt be made during the night to weigh, or light fires, you are to send up a rocket and burn a blue-light; and the Donegal will fire a gun as a precautionary signal to the North Fort.

(Signed) W. A. PAYNTER,
Captain H. M. S. Donegal, and Senior Officer.

No. 84.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 9, 1865. (Received November 9.)

SIR: I have laid before Secretary Sir George Grey your letters of the 8th instant, and their inclosures, respecting the disposal of the Shenandoah and her officers and crew; and I am to transmit to you, for the information of the Earl of Clarendon, a copy of the letter which was addressed to the board of admiralty, on the receipt of your letters, and a copy of Mr. Romaine's reply.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 84.]

Mr. Waddington to the secretary to the admiralty.

[Immediate.]

WHITEHALL, *November* 8, 1865.

SIR: I am directed by Secretary Sir George Grey to transmit to you the inclosed copies of a letter from the foreign office, and of the opinion of the law-officers of the Crown, therein referred to, relative to the disposal of the late confederate steamer Shenandoah, now lying in the port of Liverpool, and her officers and crew; and I am to acquaint you, for the information of the lords commissioners of the admiralty, that Sir George Grey is of opinion that, in conformity with the law there laid down, those of the officers and crew of the Shenandoah who are not ascertained to be [677] British-born subjects, either by their *own admission, or by the evidence of persons who know them, should be allowed to quit the vessel, with their personal effects. As to those who are ascertained to be British-born subjects, inquiry must be made as to whether any persons can be found who are able and willing to give evidence upon oath that they, or some of them, have violated the provisions of the foreign-enlistment act by serving on board a foreign vessel engaged in warlike operations. Those against whom such evidence can be obtained must be detained and taken before a magistrate, the rest discharged.

Those of the crew who are not British subjects to be allowed to leave the vessel.

British subjects to be prosecuted.

When the Shenandoah is cleared of her officers and crew, she must be delivered, with everything remaining on board, to the American consul, who will receive her on the part of the American Government.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 2 in No. 84.]

The secretary to the admiralty to Mr. Waddington.

ADMIRALTY, *November* 8, 1865.

SIR: Having laid before my lords commissioners of the admiralty your letter of this day, and its inclosures, relative to the disposal of the Shenandoah, now lying in the port of Liverpool, and of her officers and crew, I am commanded by their lordships to acquaint you that a copy of the said letter has been sent to Captain Paynter, of Her Majesty's ship Donegal, for his information, and that he has been directed to put himself in communication with the collector of customs at Liverpool, in order to carry out the instructions of Secretary Sir George Grey.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 85.

Mr. Hammond to Mr. Waddington.

[Pressing.]

FOREIGN OFFICE, *November* 9, 1865.

SIR: I have laid before the Earl of Clarendon your letter of this day, inclosing a copy of a letter which you had addressed to the admiralty, and of the reply from that department respecting the Shenandoah and her crew.

With regard to that passage in your letter to the admiralty which directs that the Shenandoah should, when cleared of her officers and crew, be delivered over to the American consul, I am to request that you will submit to Sir G. Grey Lord Clarendon's opinion that it would be desirable to substitute for that direction an order to report when the Shenandoah is clear, and to hold possession of her till the receipt of further directions.

Lord Clarendon considers that, Mr. Adams having claimed the vessel, it would not be right to pass his claim by and hand over the vessel to the American consul, who has not been named by Mr. Adams as the party to receive her; but as soon as Lord Clarendon is apprised by Sir G. Grey that the vessel is ready to be delivered over, he will ascertain from Mr. Adams to whom he would wish her to be consigned.

Lord Clarendon desires me to add that the sooner it is ascertained which of the crew are British subjects and which are American or of other nationality, and when either or both classes may be allowed, on bail or free, to go on shore, the better; and I am to suggest for Sir G. Grey's consideration whether it might not be advisable to send some person to Liverpool acquainted with the law, and competent to ascertain and clear up doubtful points.

I am, &c.,
(Signed) E. HAMMOND.

No. 86.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *November* 10, 1865. (Received November 10.)

Report from Captain Paynter. No British subjects found among the crew.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for information of the Earl of Clarendon, a copy of a letter, dated the 8th *instant, from Captain Paynter, of Her Majesty's ship Donegal, re- [678] porting that no British subjects have been found among the crew of the Shenandoah, and that therefore they have all been landed with their effects, the vessel being left in the charge of the customs authorities, assisted by a party of men from the Donegal.

I am, &c.,
(Signed) W. G. ROMAINE.

P. S.—A similar communication has been addressed to the home office.

[Inclosure in No. 86.]

Captain Paynter to the secretary to the admiralty.

DONEGAL, ROCK FERRY, *November*, 8, 1865, 8.30 p. m.

SIR: In compliance with your telegram, received at 5.30 p. m. this evening, I have the honor to acquaint you that I immediately proceeded on board the Shenandoah and communicated its contents to Captain Waddell, and ascertained that there had been no infringement of the foreign-enlistment act, the crew having been all shipped on the high seas.

I mustered the crew and was fully satisfied that they were all foreigners, and that there were none known to be British-born subjects on board; they were, therefore, all landed with their effects.

The ship is now left in the charge of the customs authorities, assisted by an officer and party of seamen and marines from the Donegal.

I have, &c.,
(Signed) J. A. PAYNTER.

No. 87.

Mr. Hammond to the secretary to the admiralty.

[Immediate.]

FOREIGN OFFICE, *November* 10, 1865.

SIR: With reference to your letter of this day's date, I am directed by the Earl of Clarendon to request that you will move the lords commissioners of the admiralty to ascertain from Captain Paynter whether, on mustering the crew of the Shenandoah, any persons answered to the following names, viz, Martin, Hutchinson, W. Clark, Jones, George Silvester, and Thomas Jackson.

I am also to request that Captain Paynter may be asked whether he is quite sure that there was no one on board the vessel belonging to the naval reserve, and what precaution was taken that no property was taken from the Shenandoah which might be considered prize of war, or belonging to individuals on board vessels plundered by the Shenandoah.

I am to add that Lord Clarendon would be glad to know the nature of the evidence on which Captain Paynter came to the conclusion that there were no British subjects on board the Shenandoah.

I am, &c.,
(Signed) E. HAMMOND.

No. 88.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *November* 10, 1865.

SIR: With reference to your letter of this day, I am directed by the Earl of Clarendon to transmit to you, to be laid before Secretary Sir George Grey, a copy of a letter which by his lordship's direction I have addressed to the admiralty with reference to the discharge of the crew of the Shenanhoah,[1] as reported by Captain Paynter in a letter of which a copy has been transmitted to this office by the admiralty.

I am, &c.,
(Signed) E. HAMMOND.

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[679] *No. 89.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 10, 1865. (Received November 10.)

SIR: I have laid before Secretary Sir George Grey your further letter of the 9th instant respecting the Shenandoah, and her officers and crew.

The Earl of Clarendon has already been informed by the admiralty that no British-born subjects have been found among the crew of the Shenandoah, and that therefore they have all been landed with their effects. It is consequently unnecessary to send a person to Liverpool acquainted with the law, and competent to ascertain and clear up doubtful points as suggested by Lord Clarendon.

The instructions in my letter to the admiralty of the 8th instant to deliver the Shenandoah to the American consul at Liverpool have been canceled, and the vessel will remain until further directions, in charge of the customs authorities, assisted by a party of men from the Donegal.

I am, &c.,
(Signed) H. WADDINGTON.

No. 90.

The secretary of the admiralty to Mr. Hammond.

ADMIRALTY, *November* 11, 1865. (Received November 11.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter dated the 10th instant, from Captain Paynter, of Her Majesty's ship Donegal, with copy of its inclosure, reporting that the Shenandoah has been taken possession of by the United States consul at Liverpool.

A copy of a telegram received this morning from Captain Paynter is also inclosed.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 90.]

Captain Paynter to the secretary to the admiralty.

DONEGAL, *Rock Ferry*, *November* 10, 1865.

SIR: With reference to your letter of the 8th instant, inclosing a communication

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[1] No. 87.

Delivery of the vessel to the United States consul at Liverpool.

from the home office, pointing out the course to be pursued with regard to the disposal of the Shenandoah, late confederate steamer, I have the honor to report that having put myself in communication with the collector of customs at Liverpool, I have this day delivered that vessel with everything on board, to the American consul, furnishing him with the inventories and her stores, &c., handed to me by her late commander.

The force sent from this ship has been withdrawn, the customs authorities having left her on the American consul taking possession.

I have, &c.,
(Signed) J. A. PAYNTER.

P. S.—I beg to inclose the American consul's acceptation of the Shenandoah, who has hoisted an American ensign and pendant, and has sent a captain on board, and I believe it is his intention to send her to the United States at once.

J. A. P.

[Inclosure 2 in No. 90.]

Mr. Dudley to Captain Paynter.

UNITED STATES CONSULATE,
Liverpool, November 10, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant offering, in connection with Her Majesty's collector of customs, to deliver over to me the vessel Shenandoah, with all her stores, &c., as surrendered by Captain [680] Waddell, her late *commander, in compliance with instructions received from the secretary of state for the home department of Her Majesty's government.

In reply, I beg to inform you that I accept the vessel, and have appointed Mr. Thomas F. Freeman to take charge of her for the present.

I am, &c.,
(Signed) THOS. H. DUDLEY.

[Inclosure 3 in No. 90.]

Captain Paynter to the secretary to the admiralty.

[Telegraphic.]

LIVERPOOL, *November* 10, 1865.

The Shenandoah was delivered over to the United States consul at noon to-day, (the 10th.) The American ensign and pendant are flying on board of her. A captain and a crew engaged. The custom-house authorities and naval force withdrawn. I shall await instructions as I would not take the responsibility of hauling down the United States ensign and pendant.

No. 91.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 11, 1865.

Mr. Adams informed of proceedings that have been taken.

SIR: I have the honor to state to you, in reply to your letter of the 7th instant, that it appears, by a communication from the board of admiralty, that the Shenandoah was on the 10th instant delivered up by the senior naval officer at Liverpool to the United States consul at that port with everything on board of her, the consul being also furnished with the inventories of the stores, &c., as received by the naval authorities from the late commander of the vessel.

With regard to the officers and crews of the Shenandoah, I have the honor to state to you that, on the arrival of the vessel at Liverpool, it was ascertained that three bad cases of scurvy were on board of her, and that a number of men had symptoms of that disease; and it was therefore necessary that measures should immediately be taken for disposing of the officers and crew.

I need scarcely observe to you that any proceedings against persons in their situation, as indeed is the case with all other persons in this country, must be founded on some definite charge of an offense cognizable by British law, and must be supported by proper legal evidence; and that, in the absence of such charge, duly supported by evidence Her Majesty's government could not assume or exercise the power of keeping any of them under any kind of restraint.

Her Majesty's government were not in possession of any evidence which could be produced before any court or magistrate for the purpose of controverting the statement made to them by the commander of the Shenandoah in the letter of which I inclose a copy, or for the purpose of showing that the crime of piracy had in fact been committed by the vessel.

It only remained, therefore, to ascertain whether any of the parties were British subjects, and, if so, whether any sufficient evidence could be obtained against them to warrant a prosecution on a charge of violating the provisions of the foreign-enlistment act by taking part in hostilities on board the vessel.

Accordingly, the board of admiralty were instructed by the secretary of state for the home department to cause the necessary inquiry to be instituted in regard to the presence on board of persons of the last-mentioned class, and, if evidence could be obtained against any of them, to cause them to be detained and taken before a magistrate; and to allow the rest to go free.

In pursuance of these instructions, the senior naval officer at Liverpool at once proceeded on board the Shenandoah, and having mustered the crew, he reports himself to have been "fully satisfied that they were all foreigners, and that there were none known to be British-born subjects on board;" whereupon they were all landed with their effects.

I am, &c.,
(Signed) CLARENDON.

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[681] * No. 92.

Sir F. Bruce to the Earl of Clarendon.

WASHINGTON, *October* 31, 1865. (Received November 12.)

MY LORD: In obedience to your lordship's instructions, I communicated a copy of your lordship's letter to the admiralty inclosed in your dispatch to Mr. Seward.

As Mr. Seward had seemed, in alluding previously to this subject, to wish that the expression of friendly sentiments which accompanied the act itself should be in a form to admit of publicity, I inclosed your lordship's letter in the accompanying note.

Mr. Seward had received already from Mr. Adams a copy of the letter and also information of the course Her Majesty's Government had decided on pursuing with respect to the Shenandoah. The complete removal of this cause of difference between the two governments seemed to give him much satisfaction.

He read to me the letter to the Secretary of the Navy he had in consequence prepared, directing the revocation of the orders he had previously solicited respecting the intercourse of American ships of war with Her Majesty's ships and possessions. It will be published immediately, together with a semi-official statement of the instructions given by Her Majesty's Government to assist in putting an end to the career of the Shenandoah.

I have, &c.,
(Signed) FREDERICK W. A. BRUCE.

[Inclosure in No. 92.]

Sir F. Bruce to Mr. Seward.

WASHINGTON, *October* 30, 1865.

United States Government informed that all restrictions on their vessels of war are removed.

SIR: I have the honor to inclose copy of a letter addressed by Her Majesty's principal secretary of state for foreign affairs and other departments of Her Majesty's government, directing that all measures of a restrictive nature on vessels of war of the United States in British ports, harbors, or waters are now to be considered at an end, and apprising them that it is the desire and intention of Her Majesty's government that the most unrestricted hospitality and friendship should be shown to vessels of war of the United States in all Her Majesty's ports, whether at home or abroad.

I am at the same time instructed to assure you of the satisfaction Her Majesty's government felt in issuing these orders to Her Majesty's authorities.

I have, &c.,
(Signed) F. BRUCE.

No. 93.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 13, 1865. (Received November 13.)

Report from Captain Paynter as to inquiry into the nationality of the crew.

SIR: In reply to your letter of the 10th instant, I am commanded by my lord's commissioners of the admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Captain Paynter, of Her Majesty's ship Donegal, dated the 12th instant, reporting on the nationality of the late crew of the Shenandoah, and the *data* on which he arrived at the conclusion that there were no British subjects on board or persons belonging to the naval reserve; also stating the measures taken to prevent the crew landing with anything beyond their personal effects.

I have, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 93.]

Captain Paynter to the secretary to the admiralty.

DONEGAL, *Rock Ferry, November* 12, 1865.

Captain Paynter's report.

SIR: In reply to your letter of yesterday's date, I have the honor to report that, on the general matter of the officers and crew of the Shenandoah, late [682] confederate steamer, * there were ten men's names called over who appeared to have deserted the ship the day after her arrival in the Mersey; I believe the names of Martin, Jones, and Clear were among that number.

A man answered to the name of Sylvester, who was a tall Sandwich Islander; another passed round by the name of Hutchison, who stated he was born in the United States. I do not remember the name of Jackson being called.

Attempts to desert were frequent during the three days she remained in harbor, and I captured a man by the name of Henry Morrish, of Maryland, and brought him on board the Donegal in my galley.

If any of the royal naval reserve formed part of the crew of the Shenandoah, they must have left prior to my being armed with your authority to detain all British subjects.

Previous to directing the crew to lash up and take with them their personal effects, I warned them of the penalty of taking away anything belonging to the ship or that was not *bona fide* their own property. All baggage, of both officers and men, was duly searched, marked, and passed over the side by the customs authorities, consisting of one principal officer and twelve tidewaiters, a large and efficient body, who executed their duty with firmness and zeal, and on more than one occasion took tobacco from the chests of clothes belonging to the men.

The quantity of baggage was considerable, but not more than a crew of that description would be likely to possess, each man having a chest, clothes-bag, and bedding.

The effects of both officers and men were taken from the cabins and mess-deck, and nothing was allowed to be moved from the store-rooms, holds, or tiers.

What proportion of their personal effects might have once belonged to individuals on board vessels plundered by her I submit would have been impossible for the customs officers to ascertain, as the officers and men all declared they only took their private property.

As to the officers, their portmanteaus, their bedding, and swords formed their modest equipment on leaving the ship, and I am quite certain that a lieutenant in our navy would have considered it a small inheritance.

The conclusion I arrived at, that no British subject passed round at the general muster, is founded on the following data, viz: on informing Captain Waddell that I had an order to detain any officer or man who was a British subject, I requested him as a man of honor to inform me whether among the crew he was cognizant of any man being a British subject, or who had laid himself open to the penalties of breaking any of the clauses of the foreign-enlistment act; he assured me as a gentleman he knew of none; that the crew were picked up and shipped on the high seas, and that they were a desperate and motley set of men, who entered to run the risk of the cruise on the prospect of high wages and prize-money; he believed his crew were composed of Americans, Sandwich Islanders, and a few Portuguese; he also stated that he had not in his possession any evidence, either by certificates of birth or nationality tickets, to prove any of the crew were British subjects. I then called the officers together and put the same questions to them; their answers only corroborated the statements made by Captain Waddell.

I then desired the first lieutenant to turn the hands up to muster by open list, as it was my intention to examine every man as to his appearance and nationality. They were mustered by a large watch-bill, the names of the men being in pencil; and as each man passed round I asked him where he was born and where he was shipped. All claimed to be either citizens of one State or other of the Union, Sandwich Islander, or Portuguese.

In mustering the crew I was assisted by Mr. Warwick, paymaster of this ship, and two customs officers, and judging from the general swarthy appearance of the crew, their faces covered with beards and mustaches, their grey uniform, their Yankee drawl, swaggering gait, and dirty appearance, and not being armed with any magistrate's warrant or sworn information by which I could apprehend a suspected person, I considered I had no just or legal grounds to arrest any of them or to discredit their statements.

The vessel had been lying in the river three days, and it might reasonably be admitted that this period of detention afforded ample time for any British subjects who originally formed a portion of the crew of the Shenandoah during her recent raid on American whaling-ships, to have effected their escape from her in order to avoid the danger of being recognized by competent authoritiy, and I am of opinion that every assistance would have been afforded them on board to desert to prevent exposure and scandal.

I have, &c.,
(Signed) J. PAYNTER.

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[683] *No. 94.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 13, 1865. (Received November 13.)

I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the earl of Clarendon, a copy of a letter from Captain Paynter, of Her Majesty's ship Donegal, dated the 11th instant, reporting that the Shenandoah was given up to the United States consul on the 18th instant, at Liverpool.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 94.]

Captain Paynter to the secretary to the admiralty.

DONEGAL, *Rock Ferry, November* 11, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, inclosing a copy of a letter dated the same day from the home department, directing that the Shenandoah is to continue in charge of the customs authorities, assisted by a party of men from the Donegal until further orders.

United States consul authorized by Mr. Adams to receive her.

I beg to report that on the afternoon of the 9th instant Mr. Dudley, the American consul at this port, received a telegram from Mr. Adams, the American minister in London, directing him to receive into his possession from the British authorities the confederate ship Shenandoah, and that, in compliance with the former instructions I received from you, that vessel with all her stores was delivered over to him on the following day with all due formality.

Inventories of her stores signed by the officers who had been in charge were also furnished to the American consul.

I have, &c.,
(Signed) J. PAYNTER.

No. 95.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *November* 13, 1865. (Received November 14.)

SIR: I am directed by Secretary Sir George Grey to acquaint you, for the information of the Earl of Clarendon, that a communication has been received from the lords commissioners of the admiralty, stating that their lordships had telegraphed and written to Captain Paynter on the 11th instant, that his duty with reference to the Shenandoah was entirely at an end.

I am, &c.,
(Signed) H. WADDINGTON.

No. 96.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 14, 1865. (Received November 14.)

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 11th instant, announcing to me the fact that the Shenandoah had been delivered up by order of the board of admiralty to the United States consul at Liverpool, together with all her stores, &c., as received from her late commander. I had already received [684] the *same intelligence from the consul who has taken charge of her under my instructions. I entertain no doubt that

Mr. Adams entertains no doubt that the promptness of this proceeding will give great satisfaction to his Government.

Disappointment at treatment of crew.

the promptness of this proceeding will give great satisfaction to my Government.

But I cannot affect to conceal my disappointment at the manner in which Her Majesty's government have decided to treat the persons who have been engaged in the nefarious transactions perpetrated in that vessel, and especially the chief, a copy of whose letter was received with your lordship's note. A narrative of but a portion of these outrages it has already been my duty to submit to your consideration in a series of voluminous papers, the character of which it is impossible to forget. I shall carefully abstain from any unauthorized word of mine which might tend to make a situation already much too grave still more serious.

A copy of your lordship's letter, together with its inclosure, shall be transmitted by the earliest opportunity to my Government.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 97.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *November* 15, 1865. (Received November 16.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith, as received from the admiralty, a copy of a letter from Captain Paynter, of Her Majesty's ship Donegal, reporting that the Shenandoah was given up to the United States consul on the 10th instant at Liverpool.

I am, &c.,
(Signed,) H. WADDINGTON.

[Inclosure in No. 97.]

Captain Paynter to the secretary to the admiralty, November 11, 1865.

[See inclosure in No. 94.]

No. 98.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *November* 15, 1865. (Received November 16.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith, to be laid before the Earl of Clarendon, a copy of a letter from the admiralty, together with a copy of the letter therein referred to, from Captain Paynter, of Her Majesty's ship Donegal, reporting on the nationality of the crew of the Shenandoah, and as to the measures taken to prevent the crew landing with anything beyond their personal effects.

I am, &c.,
(Signed) H. WADDINGTON.

[685] [*Inclosure in No. 98.]

The secretary to the admiralty to Mr. Waddington.

ADMIRALTY, *November* 13, 1865.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Secretary Sir George Grey, a copy of a letter from Captain Paynter, of Her Majesty's ship Donegal, dated the 12th instant, reporting on the nationality of the late crew of the Shenandoah, and the *data* on which he arrived at the conclusion that there were no British subjects on board, or persons belonging to the naval reserve; also stating the measures to prevent the crew landing with anything beyond their personal effects.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 99.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 17, 1865.

SIR: Her Majesty's government are glad to find by your letter of the 14th instant that you entertain no doubt that the promptness of the proceeding taken by them for the delivery up of the Shenandoah will give great satisfaction to the Government of the United States.

With respect, however, to the disappointment which you express as to the manner in which the officers and crew of that vessel have been dealt with by Her Majesty's government, after having before them the voluminous papers with which you had furnished them showing the character of the proceedings in which they were engaged, I must observe that there was nothing in the depositions and other papers of which you forwarded copies to this office, which, even if it had been capable of being substantiated in evidence in this country by deponents present at Liverpool before the crew of the Shenandoah were dispersed, would have tended to show that any capture had been made, or attempted, by Captain Waddell or his crew, after, and with notice of, the termination of the war; and I must further observe that even if the case had been otherwise, those papers would not have been receivable as evidence before any magistrate, and that unless some material facts had been deposed to by one or more witnesses present in this country, no magistrate could have kept any persons in custody upon any charge founded upon the statements in those papers.

No evidence furnished to lead to any other treatment of the crew.

I may add that, if any evidence in support of a charge of piracy had been forthcoming, it was quite as competent for any officer or agent of the Government of the United States, or even of any private person, to have taken the necessary proceedings before a magistrate, as it was for Her Majesty's government to do so.

A prosecution for piracy could have been instituted by any person if evidence had been forthcoming.

I am, &c.,
(Signed) CLARENDON.

No. 100.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *November* 18, 1865.

SIR: I have now the honor to reply to the letter which you addressed to

Reply to Mr. Adams's general representation of the 21st of October.

my predecessor on the 21st of October last, respecting the proceedings of the confederate steamer Shenandoah in the Pacific.

But I must, in the first instance, observe that in alluding to the answer given to you by Earl Russell on the 26th of September, 1864, respecting the conduct of the yacht Deerhound in rescuing from the sea a portion of the crew of the confederate steamer Alabama after her conflict with the United States cruiser Kearsage, you omit to notice the principal passage in that answer, in which Lord Russell says: "In point of [686] fact, *however, Her Majesty's government have no lawful power to arrest and deliver up the persons in question," (that is, the persons rescued from the sinking Alabama.) "They have been guilty of no offense against the laws of England, and they have committed no act which could bring them within the provisions of the treaty between Great Britain and the United States for the mutual surrender of offenders; and Her Majesty's government are, therefore, entirely without any legal means by which, even if they wished to do so, they could comply with your above-mentioned demand," (namely, that those officers and men should now be delivered up to the Government of the United States as escaped prisoners of war.)

I may add that, if beyond the limits of British territory the commander of the Deerhound had improperly interfered to protect the officers and crew of the Alabama from the belligerent rights of the United States, it was for the commander of the Kearsarge to use the means in his power for the prevention of such interference. Once upon British soil they were entitled to the protection of British laws, which they had in no respect violated; and Her Majesty's government could not deprive them of that protection, because of the possibility (whether afterward realized or not) that they might again leave this country and become engaged in further hostilities with the United States. The demand for their delivery up, which was made by you, was, in fact, identical with one which had at various times been made by foreign governments for the extradition or expulsion of other foreign refugees—Poles, Hungarians, and others; and to which the invariable answer had been that the laws of this country did not empower the government to take any such measure. The answer to every such demand is found in the fundamental institutions of this country, in the law of *habeas corpus*, and of trial by jury. If any evidence had been offered to Her Majesty's government identifying any of those persons as British subjects, who had unlawfully enlisted in the service of the Confederate States, or who were guilty of any other violation of our laws, they would have been duly prosecuted; but no such evidence was brought forward.

The case of the Deerhound, therefore, furnishes, when examined, no materials for complaint against Her Majesty's government.

The subject of complaint preferred by you is the conduct of Her Majesty's government in not preventing the vessel called the Sea King from leaving the shores of England to join another vessel called the Laurel, which was sent to meet her near Madeira with arms and ammunition.

You do not affirm that Her Majesty's government had any power or jurisdiction over either of these vessel when beyond the limits of British territory; but, unless that assertion be made or implied, the complaint falls to the ground. For, while these vessels were in British waters, no information was given (much less was any evidence offered) to Her Majesty's government to show that any persons concerned in their outfit or equipment were guilty of, or were contemplating, any infringement of the "foreign-enlistment act," or of any other law in force in the United

Kingdom, nor even that they were suspected of being engaged in any design whatever, hostile or dangerous to the United States.

Your complaint, indeed, is against the general laws of this country. The executive power of the British Crown does not, nor does the executive power (as the act of Congress of 1818 is understood in this country) of the United States, extend to the detention and seizure of an unarmed merchant-vessel, on the mere suspicion that she will or may be armed at sea in the waters of a foreign power.

Under the municipal law of this country (which goes at least as far as any obligation which may be supposed to attach to it under the law of nations) the British government is able to detain and prosecute natural-born British subjects who may enter into the war-service of a foreign power without the license of the Crown, or who within Her Majesty's dominions may fit out, arm, or equip, (or attempt to fit out, arm, or equip,) vessels to cruise or commit hostilities against any state in amity with Her Majesty. But the British laws do not and cannot effectually reach subjects of Her Majesty who may go to a foreign state, and there enter into any kind of naval or military service. You are well aware that many subjects of Her Majesty have gone from this country to the United States, and have there, during the present war, entered into the military service of the United States, and fought against the armies of the confederates, contrary to Her Majesty's proclamation.

Such occurrences as these the law of England (and, Her Majesty's government believe, the law of the United States) cannot prevent, and has very rarely the power to punish. It is obvious (as you indeed admit) that the law which prohibits the equipment of vessels destined to make war on states with which Her Majesty is at peace may, like most other human laws, be evaded. No human means can in all cases effectually prevent individuals from purchasing or otherwise acquiring a vessel with the secret intention of arming her beyond the territorial
[687] limits of the country, and then cruising against a state *with whom Her Majesty is at peace, or from successfully executing that intention. It is distinctly denied that the government of any state is, upon any recognized principle of international law, responsible for such an event.

Feeling, as it would seem, that for the equipment and armament of the Shenandoah no original responsibility can reasonably be cast on Her Majesty's government, you represent as the main substance of this part of your complaint, that this vessel, after she had been equipped and commissioned, was recognized by Her Majesty's government as a public ship of war of a lawful belligerent, and was admitted as such into British ports.

This is in truth nothing more than the often-repeated objection to the course adopted by Her Majesty's government, in recognizing both parties in the late war as belligerents, and, if belligerents at all, then as belligerents wherever they were found actually carrying on war, whether by sea or by land. You are of course aware that the Sea King was transferred, when beyond the territory of Her Majesty, to the agents of the Confederate States, and from them (while still beyond Her Majesty's territory) received a commission as a ship of war, under the name of the Shenandoah. It was a necessary consequence of the principle of neutrality, and of the recognition of the state of war (by virtue of which alone the blockade was enforced with so much severity against neutrals by the United States) that the validity, for the purposes of the war, of such a commission should be recognized by the government of this country.

The supplies given to this vessel, and the hospitality afforded her in a British port during the continuance of the war, were merely the same which were always afforded to the vessels of war of the United States; to refuse them in such a case, would have been not to vindicate, but to depart from the neutrality declared by Her Majesty. If the fact were, as you suggest, that the supplies so afforded had the effect of enabling the Shenandoah to continue hostilities after the Confederate States had ceased to be belligerents, it is obvious that such an occurrence might equally take place in any other case, in which a ship of war of any belligerent nation, having taken in ordinary supplies at a neutral port, might continue hostilities after the restoration of peace, either through ignorance of that fact or from any less excusable motive.

So far, then, as your objection to the enjoyment of belligerent rights by the Shenandoah in the ports of Great Britain is founded on the allegation of her original illegal equipment, I have already sufficiently pointed out that the circumstances of her equipment were not such as in the eye of the English law, or consequently in the view of the English government, could be regarded as illegal. She was, therefore, as long as the war subsisted, naturally treated on the same footing as any other vessel of a recognized belligerent power.

But even had the case been otherwise, and had her equipment and origin been undoubtedly illegal, I should have experienced hardly less surprise at the claim put forward on behalf of the United States in the following sentence of your dispatch:

> In consenting to receive the vessel after the facts of its illegal origin and outfit had been satisfactorily established, I cannot resist the conviction that Her Majesty's government assumed a responsibility for all the damage which it has done.

If I needed (which in this case I do not) to find an answer to a claim founded upon such principles, I should have to seek no further than the records of recent American law, and the practice of modern American statesmen. In that chapter of American history which has lately become familiar in these discussions, relating to the transactions which arose out of the revolt of the South American republic, will be found a complete refutation from American authorities of the doctrine on which you now appear to insist.

As you are well aware, numerous vessels of war were fitted and refitted under the commission of the revolted states in the ports of the United States to cruise against the commerce of Spain and Portugal. These vessels started on their original voyage, manned and armed in the ports, and by the subjects, of the United States, and returned to the same ports over and over again, after repeated cruises. Though the fact of the illegal origin and equipment of such vessels was established, not by vague surmise or *ex parte* statement, but (in several instances) by judicial proof adduced in suits instituted for the restoration of their prizes when brought within the neutral jurisdiction, the Government of the United States does not appear ever to have taken any step for the purpose of excluding any of those vessels from the full and unrestricted enjoyment, within their own ports or elsewhere, of the same rights (with the single exception of the right to retain prizes brought in) which is accorded to any other ships of war of a belligerent power.

Nevertheless, so far from admitting that by such conduct, as you now contend, they "assumed a responsibility for all the damage done by such vessels," your Government distinctly repudiated any such responsibility when urged upon them by arguments almost identical with those on which you now rely.

[688] *While admitting that several prosecutions have been instituted

by Her Majesty's Government against persons amenable to British law, who had been shown by probable evidence to have been guilty of violating the foreign enlistment act, (Captain Corbett, of the Sea King, to whom you refer as having never been brought to trial, is awaiting his trial at the present moment,) you make it, nevertheless, matter of complaint that no legal proceedings have been taken against any of the confederate agents in this country, under whose direction and management various operations, in abuse of Her Majesty's neutrality, are said to have been conducted.

But no information supported by evidence on which a prosecution could be judiciously instituted or successfully maintained has ever been laid before Her Majesty's Government for the purpose of showing that the laws of this country were, in fact, so violated by any of those persons.

You are well aware of the extent to which not only municipal, but also international, law permits either of two belligerents to avail themselves of the resources of a neutral country, by mercantile agencies, by loans of money, and by the purchase and shipment of every kind of munitions of war, without giving to the other belligerent any cause of complaint against the country where such operations are carried on. Full advantage has been taken of this state of international law by the United States themselves during the recent contest.

If, in addition to operations of this nature, the confederate agents in this country superintended or directed other designs involving the violation of our laws, they were careful (as it might be expected they would be) to keep their participation in any such illegal acts as far as possible out of sight. The agency of Captain Bullock for the confederate government was, indeed, to some extent disclosed by parts of the evidence relating to ships which were the subject of actual or contemplated proceedings by Her Majesty's government, but not in such a manner nor to such an extent as to make it probable, in the judgment of Her Majesty's advisers, that if proceedings had been instituted against him personally they would have been attended with a successful result.

You refer, indeed, to the recent transmission, under the orders of Her Majesty's government, of Captain Bullock's letter to the commander of the Shenandoah, directing him to cease from the further prosecution of hostilities, as proof that Her Majesty's government have, at least in one instance, considered themselves to be in possession of sufficient evidence of Captain Bullock's authority to control or prevent such hostilities. But it is not clear that proof, even of the extent and kind of authority assumed in that letter over the Shenandoah when at sea, would have supplied the want of further evidence of any infringement alleged to have been committed by Captain Bullock of the laws of this country. Your surprise, however, on hearing of that circumstance, as well as the inference which you draw from it, of the previous possession of evidence against Captain Bullock by Her Majesty's government, will, I hope, cease when you learn that this letter was transmitted by Her Majesty's government in compliance with the request of Mr. Mason, (the known accredited agent in Europe of the Confederate States,) made to Earl Russell in a letter dated the 20th June last, after the conclusion of the war.

Whatever might have been the extent of the previous knowledge or ignorance of Her Majesty's government with respect to the acts of Captain Bullock, they were entitled to believe, on Mr. Mason's authority, that the letter sent by him for transmission would be effectual for its intended purpose; in which, being a purpose of humanity, especially beneficial to the United States, Her Majesty's government felt they might safely endeavor so far as to co-operate, without any risk of being misunderstood by the United States Government.

I am, &c.,
(Signed) CLARENDON.

No. 101.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, November 21, 1865. (Received November 21.)

MY LORD: I have the honor to acknowledge the reception of two notes from your lordship, one of the 17th instant, the other of the 18th instant, both of them relating to the case of the vessel heretofore known as the Shenandoah.

[689] The arguments presented in these notes appear to me substantially so much the same * as have been urged in the correspondence I have heretofore had the honor to conduct with your predecessor that I deem it unnecessary, on my own responsibility, further to enlarge upon the opposite views already submitted. Regretting that the result has been to bring us no nearer to any agreement in our respective convictions, I shall content myself with transmitting copies of your lordship's notes for the consideration of my Government, and awaiting specific instructions.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 102.

The secretary to the admiralty to Mr. Hammond.

Admiralty, November 22, 1865. (Received November 22.)

Shenandoah left for New York November 21.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the Earl of Clarendon, a copy of a letter from Captain Paynter, of Her Majesty's ship Donegal, dated the 21st instant, reporting that the Shenandoah has left Liverpool for New York.

I have, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 102.]

Captain Paynter to the secretary to the admiralty.

DONEGAL, *Rock Ferry, November* 21, 1865.

SIR: I have the honor to acquaint you that the commander of the Shenandoah came on board yesterday to express his acknowledgments for the manner in which every assistance was afforded him by me, and to inform me that he intended leaving the Mersey to-day for New York.

The Shenandoah sailed from the Mersey to-day at noon.

She has coal for sixteen days, and a crew of four executive officers, four engineers, ten stokers, and twenty-eight seamen.

I am, &c.,
(Signed) J. PAYNTER.

No. 103.

Mr. Seward to Mr. Adams.—(Communicated to the Earl of Clarendon by Mr. Adams, December 20.)

DEPARTMENT OF STATE,
Washington, November 30, 1865.

Protest of United States Government.

SIR: I have the honor to acknowledge the receipt of your dispatch of November 15. It is accompanied by several interesting papers. First. A copy of a note which Lord Clarendon addressed to you on the 11th instant, in execution of his promise to communicate more fully concerning the surrender of the Shenandoah and the disposition of the pirates to be made by Her Majesty's government. Secondly. A copy of a note which appears to have been addressed to Earl Russell on the 6th November instant by one James J. Waddell, who describes himself as being the commander of what he calls the confederate ship Shenandoah, but which we certainly know to be the British registered ship Sea King. Waddell, in his communication, reports that the brig has now returned to the port of Liverpool, and there placed herself and crew under the protection of Her Majesty's government, having at length desisted from a destructive career, which she pursued indefatigably for a period of about ten months, during which, as we well know, he derived all his men and material of war, supplies and provisions, [690] * from home and colonial ports within the British empire, in opposition to the earnest and continuous protests of the agents of the United States. Thirdly. Your reply acknowledging the receipt of the note of Lord Clarendon. I lose no time in giving you the views of the President concerning the papers which have thus been brought to his consideration, and the subjects to which they relate.

First. Among those subjects is the delivery of the Shenandoah by the direction of Her Majesty's government to the agents of the United States. We accept the vessel, but I regret to say that the acceptance is not attended with any sense of satisfaction on the part of this Government. It would have gratified the President if Her Majesty's government had caused proceedings to be instituted for the condemnation of the Shenandoah. The course, however, which the British government has heretofore pursued in regard to our applications for justice was such as to discourage on our part an expectation of such a disposition of the vessel. We accept her now simply and exclusively upon the prudential consideration that, being reduced into our possession, she will not again depart from British waters in a hostile character.

Secondly. The United States cannot but ask the serious attention of Her Majesty's government to the facts of the case as they bear upon the discharge of the offender Waddell and his accomplices. After having exposed himself and them to prosecution for piracy in the ports of every civilized nation, he, as it would seem to us, impertinently and indecently placed himself and his associates under the protection of Her Majesty's government under circumstances which, as they are viewed by this Government, are calculated to render a judicial investigation necessary for the safety and welfare of an injured and friendly nation. The United States think that they might well have promptly called upon Her Majesty's government to surrender the offenders as fugitives from justice, to be brought within the jurisdiction of the United States, and punished here for their flagrant crimes.

The United States, however, were not at liberty consistently with their self-respect to pursue that course. They could not but recall the fact that in recent cases of the Chesapeake and J. L. Gerety or Eureka, applications of that character made by the United States were denied by the judicial authority of Great Britain, approved by the executive government, on the ground that the offense of piracy on the high seas was properly cognizable in Her Majesty's courts of the realm, and therefore that the offenders were not lawful subjects of extradition to a foreign government. It therefore only remained to the United States to ask Her Majesty's government themselves to take the measures which seem to be required for the discharge of obligations to the United States and the vindication of public justice. This suggestion was made by you to Lord Clarendon in what seems to us to have been a very respectful and becoming manner. The result which followed was the discharge and unconditional enlargement of the offenders from custody upon two grounds: first, that Her Majesty's government have in their possession no evidence to impeach a prevaricating plea of the commander. This position was assumed when every part of the unlawful transaction complained of had occurred either in British ports or on the decks of the Shenandoah, herself a British vessel, and when all those transactions had been fully made known to her Majesty's government; and when any parties who could give the necessary testimony for the conviction of the pirates were not only within British jurisdiction, but actually within custody of agents of Her Majesty's government. The other ground which is assigned for the enlargement of the offenders is, that none of them were subjects of Great Britain; whereas, upon evidence which seems to this Government entirely conclusive, all the offenders were either native subjects of the Queen, or had become by some sufficient form of refuge or domiciliation amenable equally with native subjects to the penal laws of the realm.

The United States regret that they are unable to draw from these proceedings any other inference than the painful one that Her Majesty's government have assumed to hold guiltless of all crime subjects of Her Majesty who have in a time of profound peace waged naval war upon the high seas against unarmed citizens of the United States engaged in lawful commerce and navigation.

As a protest against these proceedings, you will read this dispatch to Lord Clarendon and leave with him a copy if desired.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

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[691] *No. 104.

The Earl of Clarendon to Sir F. Bruce.

FOREIGN OFFICE, *December* 26, 1865.

Interview with Mr. Adams.

SIR: Mr. Adams called upon me by appointment and read and left with me a copy of a dispatch from Mr. Seward respecting the Shenandoah and the surrender of that ship to the United States authorities.

I inclose a copy of the dispatch.[1]

I told Mr. Adams that my sincere desire to do and say nothing that could impair our friendly relations with the United States alone prevented me from replying to the dispatch at once and in the terms which I thought it deserved, and that if it was answered it would be so in writing. Mr. Adams said that was the course which he expected I should take.

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[1] No. 103.

A lengthened discussion then ensued as to the manner in which the obligations of neutrality had been performed by this country during the late civil war. It was conducted without acrimony, and was put an end to by myself, as leading to no useful or practical result.

Proposal of the Earl of Clarendon for a revision of international law.

I, however, asked Mr. Adams whether it would not be both useful and practical to let by-gones be by-gones, to forget the past, and turn the lessons of experience to account for the future. England and the United States, I said, had each become aware of the defects that existed in international law, and I thought it would greatly redound to the honor of the two principal maritime nations of the world to attempt the improvements in that code which had been proved to be necessary. It was possible, I added, that the wounds inflicted by the war were still too recent, and that the ill-will toward England was still too rife to render such an undertaking practicable at the present moment; but it was one which ought to be borne in mind, and that was earnestly desired by Her Majesty's government as a means of promoting peace and abating the horrors of war, and a work, therefore, which would be worthy of the civilization of our age, and which would entitle the governments which achieved it to the gratitude of mankind.

Mr. Adams, in reply, said the law of England, in its international application, stood greatly in need of amendment; but he gave me no encouragement to expect that his government could co-operate with that of Her Majesty in the course of proceeding which I had suggested.

You will, however, avail yourself of such opportunities as you may think fitting to bring the subject under the consideration of Mr. Seward or the President, and you can neither exaggerate the importance attached to it by Her Majesty's government or the satisfaction it would give them to co-operate with the Government of the United States in a work of which the benefit would be universal.

I am, &c.,
(Signed) CLARENDON.

No. 105.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, *December* 28, 1865. (Received December 28.)

Representation from Mr. Adams as to arming of Shenandoah, her continued cruising and employment of British subjects on board.

MY LORD: Entertaining no desire to reopen the questions already discussed in connection with the steamer Shenandoah, I propose to submit the accompanying letter from the consul of the United States at Liverpool and the two depositions to which it refers, solely for the purpose of placing more fully on the record what appear to be the facts connected with her cruise.

The points to which I desire particularly to call your lordship's attention are these:

1. In your note to me of the 2d instant you state "that no armed

vessel departed during this war from a British port to cruise against the commerce of the United States."

2. In your note of the 11th of November your lordship is pleased to rely on the authority of the commander of the Shenandoah for the statement that he committed no depredations upon the commerce of the United States after he knew that the rebellion had been suppressed.

[692] *3. In the same note you state, on the authority of the report of the officer sent to muster the crew, that there were no persons known to be British subjects on board.

On the other hand, with the aid of the narrative and list of the crew herewith submitted, I trust it may be made to appear:

1. That the Sea King did depart from a British port armed with all the means she ever had occasion to use in the course of her cruise against the commerce of the United States; and that no inconsiderable portion of her hostile career was passed while she was still registered as a British vessel, with a British owner, on the official records of the kingdom.

2. That the commander had been made fully aware of the suppression of the rebellion the very day before he committed a series of outrages on innocent, industrious, and unarmed citizens of the United States in the Sea of Okhotsk.

3. The list of the crew, herewith submitted, with all the particulars attending the sources from which the persons were drawn, is believed to be so far substantially correct as to set at rest the pretense of the officer sent on board that there were no British subjects belonging to the vessel.

Deeming it to be of the utmost importance to the establishment of the precise relations of neutral powers toward belligerents in future emergencies that all the facts attending the share taken by Her Britannic Majesty's subjects in the late war should be clearly placed before the world, I have ventured to take the liberty to ask of your lordship the privilege to consider these papers as intended to modify, so far as they may be fairly entitled to be regarded as doing so, the allegations of fact which appear in the notes to which they respectively refer.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 105.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, December 18, 1865.

Report of Consul Dudley.

SIR: I have the honor to inclose you copies of two affidavits, one of William A. Temple, a very intelligent seaman, who shipped on the Shenandoah (then called the Sea King) in London, and remained on her during the cruise, and was discharged from her after she came to this port; the other that of Margaret Marshall, the wife of David Marshall, of Liverpool, who went out from here in the steamer Laurel and joined the Shenandoah near the island of Madeira, in the capacity of a fireman. David Marshall was also on the Shenandoah during the whole of her cruise. At the time of his enlisting they gave him what is known as a half-pay note for the one-half part of his wages, payable to his wife at the office of Fraser, Trenholm & Co., in Liverpool. This note was sent to Mrs. Marshall by her husband; it was for £3 10*s.* per month. Her affidavit shows that this money was paid to her at the office of Fraser, Trenholm & Co., Liverpool, monthly, during the cruise of the vessel, up to the month of October, 1865. That the last payment was made to her on the 18th day of October last.

The affidavit of Temple covers the time of the whole cruise, and gives an account of some of the events that occurred, with a list of the officers and crew and their nationalities. By it you will see that she had 26 officers, 33 petty officers, 54 seamen, 12 firemen, and 12 marines, making in all 137 persons on board. Of these 78 were British subjects, 26 foreigners belonging to other nations, and 33 Americans, divided as follows: Of the officers, 19 Americans and 7 British subjects; of the petty officers, 5 Americans, 23 British subjects, and 5 other foreigners; of the seamen, 9 Americans, 26 British subjects, and 19 other foreigners; of the 12 firemen, all British subjects; of the 12 marines, 10 British subjects and 2 foreigners of other nations.

Among other matters the affidavit shows that the Sea King, when she sailed from London, had two 18-pounder guns mounted upon her decks, and that these were the principal guns used during the whole of her cruise; that the day before they reached the island of Madeira they painted over the name of Sea King wherever it appeared on the vessel or any of the boats or fixtures; that on her arrival at Melbourne she was received in the most cordial manner by the officials and people at that port, and every facility afforded to obtain supplies and make repairs; that the officers of the Shenandoah were entertained on shore, and in their turn entertained the officials of Melbourne on board the Shenandoah; that Captain Waddell entertained privately on the Shenandoah the governor of Melbourne; that the government engineer at Melbourne [693] was *on the vessel two or three times a day, and if he did not superintend the repairs that were being made, at least gave them the benefit of his advice; that at the time they left Melbourne they had more than forty persons stored away on board the vessel, all of whom were enlisted and enrolled upon the ships articles before they were out of sight of land; that the ship was coaled there by the English ship John Fraser, of Liverpool; that notwithstanding they received information of the surrender of Lee and the termination of the war as early as the month of June of this year, they still went on burning and destroying all vessels they fell in with sailing under the United States flag, and after receiving this information captured no less than nineteen vessels, all of which were either bonded or burned; that the flag generally used on the Shenandoah when speaking other vessels or decoying their victims was the English; that the men received their bounty-money when they enlisted, and their wages afterward, in English gold; that the contract made with them was that they were to be paid in this money, and be discharged at any English port, or placed on board of an English vessel after their several terms of enlistment had expired; that they were brought to the English port of Liverpool and entertained by Captain Whitehead, who sent off a boat-load of fresh provisions to them on the night of their arrival; that Jones & Co., on the following evening, also sent off a boat-load of provisions, which the custom-house officers refused to permit to be taken on board; that the officers and crew were all discharged from the ship by Captain Paynter, of Her Majesty's ship Donegal, the crew having been previously informed that on their names being called they must give their nationality as southerners; that the crew upon being landed at Liverpool were admitted into the Sailors' Home, and that they were paid there either the whole or part of the wages due to them in money obtained at Liverpool.

I am informed that the Captain Whitehead who sent off the boat-load of provisions to the Shenandoah on the night of her arrival is a member of the firm of Whittaker, Whitehead & Co., Liverpool, and that the firm of Jones & Co., who sent off the boat-load on the following evening, is the same firm that fitted out the pirate Georgia.

When you add to the facts disclosed in these affidavits those that were known before, that the vessel was built in Scotland; owned at the time she sailed upon her cruise by Richard Wright, an English merchant of Liverpool, in whose name she was registered in London, and who so late as October of this year stood there as her registered owner; that she was fitted out and sailed from London upon her cruise, was armed with English guns, and wholly supplied from England, it seems to me that the character of this vessel as an English buccaneer is fully made out.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 105.]

Affidavit of William A. Temple.[1]

Affidavit of W. Temple.

I, William A. Temple, of London, now residing in Liverpool, No. 108 Saint James street, say: I was born in Madras, and am a British subject. In October, 1864, I was in want of a ship, and stopping at Green's Sailors' Home in London, and I heard of the Sea King. I was called in the office by one of the officials. Captain Corbett, of the Sea King steamer, afterward called the Shenandoah, was there. I was asked for my discharge by Captain Corbett. I tendered him my

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[1] The blanks in this statement were not filled up in the copy forwarded by Mr. Adams.

papers; he told me he would ship me as an ordinary seaman; he told me he would give me 35*s.* per month. This was on Wednesday. He told me to be down on the next Friday morning. I signed the articles of the Sea King for a voyage to Bombay, not to exceed two years, Captain Corbett giving me a note for one month's advance wages. I signed in the name of W. J. Jones, and I continued by that name, William John Jones, during all the cruise of the Shenandoah. I went down on Friday, was told she would not go out until next morning, and that I must be on board by 4 o'clock. I went at the time mentioned and found her going out of dock. I got on board; she was in command of Captain Corbett. We proceeded down the river at half-speed. At the time we left London we had two 18-pounder guns mounted on the decks. These were the guns we generally used while on our cruise in bringing vessels to. I found on board Lieutenant Whittle, who was afterward first Lieutenant; he was on her as a cabin passenger, under the assumed name of McDonald. There were several parties
[694] on board; some of them left us at Deal. *Richard Wright, a merchant of Liverpool, who owned the vessel at the time, was one of them. The captain was on very intimate terms with Lieutenant Whittle, treating him with every deference. I became steward to the steerage officers, and remained in this capacity after I enlisted on the Shenandoah until a month after we left Melbourne, and I then went on deck and did duty as an ordinary seaman. We kept down the channel under easy sail and steam, and made the island of Madeira on the following Monday week. At the time we left London the name Sea King was on the stern of the vessel, on each bow, on all the boats, buckets, life-buoys, and other fixtures and furniture. The day before we reached the island of Madeira the name "Sea King" was either painted over or else scratched off. During that night we kept on and off. Next morning we ran into the harbor, signaled a small steamer lying there, which afterward proved to be the Laurel. We went out of the harbor again, the steamer Laurel followed us. In two hours we reached a small island lying in an easterly direction from Madeira. The steamer Laurel anchored close into the shore, and we came alongside and dropped our anchor. She (the Laurel) soon came alongside and made fast to us. It was now for the first time that I learned what was up, and that she was going privateering. The steamer Laurel was in command of Captain Ramsay, a British subject, who held a commission as first lieutenant in the confederate navy. The first mate, by name of Heasman, came to us and told us about it. He stated that the gentleman Whittle, who came with us, was to be first lieutenant, and told us that any of us who desired to join would get £4 10*s.* per months. As soon as the two vessels were fastened together they commenced transferring the guns, shot, shell, ammunition, clothing, &c., from the Laurel to the Sea King. We worked from about 2 o'clock that day until 3 o'clock the next morning; during this time grog was served out to the men about every two hours. Captain Corbett, Lieutenant Whittle, and the officers and men of both ships, were busy engaged in making the transfer. After we finished we lay down and took a sleep and turned out again about 9 o'clock. As soon as the men were out we were all called aft by the boatswain of the Sea King; the men from the Laurel were also called on board. As soon as we got aft Captain Corbett came out with the ship's articles in his hands, and made a speech to us something to this effect: Men of the Sea King, you signed these articles with me to go to Bombay or any intermediate port, and if the ship should be sold on the voyage you were to sign clear of her. Some one said we did not hear anything about that in London; he replied, here it is, and read it to them. He then went on to say that he had sold the ship, and that those who wished to join the ship could do so; that they would be paid, on their signing a paper clearing from the Sea King, two months' wages, while those who did not want to join her were to take their clothes and go on the steamer alongside, which would take them to Liverpool, where they would be paid two months' wages upon signing a similar paper. Some of the men demanded that they should be paid immediately. Captain Waddell was standing close to Captain Corbett at the time in full confederate uniform, and as soon as Captain Corbett had finished, stepped forward and took his place by the side of Captain Corbett and said: "Men, I am an officer in the confederate navy, authorized to take command of this ship." He offered to read his commission, but the men said, "No, never mind." He then said, "Any of you that feel inclined to serve under the confederate flag will get good wages and good treatment. I do not intend to fight; any one can see that this vessel was not made to fight; I intend to run away rather than fight, unless in a very urgent case. My orders are simply to destroy the Federal commerce by burning and destroying all ships that I can find sailing under the Federal flag." He said, as each vessel was taken they would be valued, and half of the value of each would be divided among the ship's company and paid to them at the end of the war. Some one asked what bounty he would give; he replied he would give £15 bounty in gold; to able seamen he would give £7 per month, and those that were married could have their wages paid to their wives in Liverpool during the cruise. Notes were given to the married men for the half of their wages payable in Liverpool, at Messrs. Fraser, Trenholm & Co.'s office. These notes have been paid, as I have been informed, up to three weeks of our reaching Liverpool in last month. He told the men as the wages

were high they would only sign for six months, at the end of which time he would land them in some British port, if it lay in his power; if he could not do this, he would endeavor to place them on board a British vessel bound for the United Kingdom. He expected to make up his crew from the prizes he would take. He said that her name was the Shenandoah, and that he was to command her. No confederate flag had up to this time been shown. The only flags used had been the English. Myself, Mr. Hutchinson, Mr Clark, and John Martin, signed clear of the Sea King, receiving each two months' wages from Captain Corbett, and then were sworn to the effect that we were to serve the Confederate States to the best of our [695] *ability, and never betray them; we signed this at the bottom. Efforts were made to get the other men to join; many of them from the Laurel did join; those who would not returned to Liverpool, or started for there in the Laurel. Mr. Smith, the purser of the Shenandoah, paid me the two months' wages for serving on the Sea King, also the bounty money for enlisting on her. It was about 12 o'clock when the Laurel left us; she steered toward Madeira, and we took a southwest course. On parting company with the Laurel, we hoisted for the first time on the Shenandoah the confederate flag. It was up but for a few minutes; another vessel hove in sight, and we hoisted an English flag to her, she replied with the same flag. This was on the 19th day of October, 1864, when we parted with the Laurel. Captain Corbett, and all the men who did not join the Shenandoah, went on the Laurel. We were ten or twelve days in stowing things away and mounting the guns. We had two guns mounted at the time we left London, each 18-pounders; we mounted four 68-pounder smooth-bore shell guns, and two long 32-pounder Whitworth rifle-guns. These were all English guns. There were also rifles, revolvers, cutlasses, &c., in abundance. Each man at his quarters during our cruise was armed with a rifle, a cutlass and a revolver. This was continued until the 3d of August last. There were about nineteen men besides the officers at the time we left the Laurel. All these men were British subjects. All the guns, small-arms, and ammunition, as well as supplies, were from England; had been brought out either from London in the Sea King, or in the English steamer Laurel from Liverpool. Our bounty-money was paid us in English gold. Indeed, Captain Waddell told us at the time we joined that our wages would be paid us in English gold. We were paid, at least myself, £2 in English money at Melbourne, and since my arrival at Liverpool I have been paid by Mr. Lewis Wiggins, who held the post of signal quartermaster on the Shenandoah, about one-half part of my wages. This payment was made at the Sailors' Home, Liverpool, on the 13th November, (last month, 1865,) in English money. This last payment was made by Wiggins and Charles H. Morton, one of the seamen; they told us we need not be afraid, we would get the rest of it.

About the 29th day of October, 1864, we captured our first prize in the bark Alina, of Searsport, from Newport, bound to Bahia. When we got within signaling distance of her we hoisted the English flag. She replied by hoisting the American, and as soon as we got up near her we fired a blank shot across her bows, and hoisted the confederate flag. She hove-to, and an armed boat was sent to her. The vessel was condemned and sunk. The captain and men were brought on board the Shenandoah, and all the men and officers, except the captain, were put in irons.

The next prize was the schooner Charter Oak. She was bound from Boston to San Francisco. She was condemned and burned. The captain had his wife and wife's sister on board. They were brought to the Shenandoah. The captain had about $200. This Captain Waddell took from the captain, but gave it to his wife on leaving the Shenandoah. The captain of the Charter Oak represented that it was all he had in the world now that his vessel was burned. This vessel was loaded with furniture, provisions, preserved fruits, preserved vegetables, meats, &c. We took out sofas, furniture, preserved fruits, meats, &c., and transferred them to the Shenandoah; indeed, we almost unloaded her, and transferred her cargo to our vessel. We spoke a Danish brig bound to Rio Janeiro; all the prisoners were placed on this vessel. Our captain made a bargain with the Danish captain to convey them there.

A week or ten days afterward we took our third prize, the bark D. Godfrey, of Boston, and bound from that port to ———. We condemned and burned her.

We then captured the schooner L. N. Stacey, of Boston, and from that port to Honolulu. She was condemned and burned.

The next vessel we captured was the Kate Prince. She was a ship from Cardiff to Bahia. Her cargo proved to be neutral. She was ransomed, and all our prisoners transferred to her.

Our next prize was the bark Adelaide. She was condemned to be burned; but while they were breaking up her cabin, a letter from her owners in Baltimore was discovered. It was brought on board, and the order to burn her was revoked because she belonged to southern owners. She was released on giving a ransom bond for a small amount. She was under a Buenos Ayres flag.

The next prize was a brigantine, the Susan, from Newport to Rio Janeiro, loaded with coal. She was condemned and sunk.

The bark Edward was next captured west of the Cape of Good Hope. She [696] *was from Nantucket, and bound on a whaling voyage. We lay aside her for two days, transferring stores from her to our vessel. She was then condemned and burned.

The next day we made the Island Tristan d'Acunha, where there is a British settlement. We landed all our prisoners there, to the number of about forty.

The next prize was east of the cape. It was the bark Delphine; she belonged to Portsmouth, New Hampshire; was in ballast. She was condemned and burned. The captain had his wife with him. She and the rest were transferred to the Shenandoah.

From this time until we arrived in Melbourne, on the 26th day of January, we took no more prizes. We were well received by all the authorities and people at Melbourne. All the officials and most of the leading inhabitants of the place visited the Shenandoah, and were very warm in their congratulations and well-wishes to us. The governor of Melbourne visited Captain Waddell, and was privately entertained by Captain Waddell on board the Shenandoah. There were 8,000 visitors came on board to see us in one day. All the government officials were on board to see us, and most of them were entertained on board either by the captain or his officers. The government officials in Melbourne gave an elegant entertainment to Captain Waddell and his officers during his stay there; it was given at their club-room in Melbourne. Every facility was afforded to us both by the officials and people of Melbourne to make our repairs and to procure our supplies; indeed, everything we wanted. One very warm friend was a man by the name of ——— ———, formerly the United States consul there.

A dinner was given to the officers of the Shenandoah, at a place called Ballarat, up in the country. Mr. Smith, Mr. Grimball, Mr Scales, Mr. Mason, Dr. Lenning, and Mr. Brown went. They were received at the station by some 2,000 people, who cheered them as they passed.

The English government engineer was on board our ship while we were undergoing our repairs three or four times a day, and certainly assisted them with his opinions and advice if he did not superintend our repairs.

We left Melbourne on the 18th day of February. When we left we had some fifty to sixty persons on board as stowaways; among them was Captain Robert Blackar, who commanded the English steamer Saxonia. It was known to the officers on board at the time we sailed that most of these men were on board. All these persons so stowed away on board were British subjects, and were enlisted or enrolled upon the ship's books as officers or men within twelve hours from the time we left our anchorage, and while we were within sight of land. Their names are mentioned in the list annexed hereto, and comprise all those set down in said list as shipping at Melbourne.

Before we left Melbourne we were coaled by the ship John Fraser, from Liverpool, which I have since learned was sent out with coal expressly for us. It was some six weeks after we left Melbourne before we took another prize, during which time we were organizing a company of marines, and drilling the crew.

About the 2d of March we spoke the schooner Honolulu, under the Honolulu flag; the captain of the schooner told us there were six American whalers anchored in the harbor of the Island of Ascension. We made all haste, steered directly to this island, and entered the harbor two days after. We found there four vessels, all whalers; the ship Hector, of New Bedford; ship Edward Carey, of San Francisco; the bark Pearl, of New London, and the bark Harvest, of Honolulu. This last vessel was from Honolulu, under the Honolulu flag, and in command of a citizen of Honolulu. These vessels were all lying at anchor in the harbor. The Honolulu bark was brought alongside, and all her supplies were removed to the Shenandoah; her captain was brought on board and placed in double irons, and kept in this condition for three or four days. The captains of the three American vessels were visiting the missionary on the other side of the island at the time we arrived, but most of them returned in time to see their vessels burned. We took possession of all the vessels, the three that were under the American flag as well as the one under the Honolulu flag. Within an hour after we arrived we took possession, and the savages of the island were told they might go and plunder the vessels and take whatever they desired. They took the boats belonging to the vessels, sails, furniture, supplies, &c. They almost stripped the vessels. We fired and burned the Pearl on the day we arrived; the next Monday, the 6th of March, we gave the Edward Carey and the Hector to the flames; the Honolulu bark was burned about two days after. The vessels were all in the harbor at the time they were burned. The crews from all these vessels were turned on shore among the savages as soon as we took possession. All the captains upon their return, which was not until after we had seized their vessels, with their officers, were brought on board the Shenandoah, placed in irons, and kept there until we were ready [697] to sail, when they *were paroled and sent to the shore, with their men, among the savages. We left them there. The king of the island came on board while we were there. Waddell and his officers received him in full uniform, wearing their swords. He was brought aboard in the ship's gig, and entertained by the captain in his cabin, and shown round the ship.

We left the island of Ascension about the 14th day of March last, and cruised for about a month off the coast of Japan, hoping to fall in with some of the United States traders with that country.

The last part of May we entered the Okhotsk sea; we there captured the whaling-bark Abigail, of New Bedford. We lay alongside two days transferring the spirits, potatoes, and supplies from her to our vessel. There were on the vessel some twenty or thirty silk dresses which the captain and officers had purchased in Japan, and a quantity of fancy Japan work-boxes and fancy articles. All these were taken by the officers and men of our ship. The vessel was then burned. A part of the time we were lying by her our crew had reached the liquors, and were in a frightful state of intoxication. The second mate of this vessel, F. Manning, an American belonging to Baltimore, on coming on board, told our captain that he was well acquainted with the seas in the neighborhood, and would pilot the vessel Shenandoah to a place where he would find fourteen or fifteen United States whaling-vessels together. He was placed upon the articles as ship's corporal, and gave the information to the captain. We afterward, under his piloting, found eleven American vessels all together, nine of which were burned, as hereafter mentioned. Manning was at once for this service rewarded by being made a master's mate. He is now in London. After cruising for more than a week we made for Behring's Straits.

In the month of ——— we sighted two vessels within about nine miles from the land; they proved to be the ship William Thompson and ship Euphrates, both from New Bedford. They were both burned. While they were burning, another ship hove in sight; we gave chase under the Russian flag; she proved to be the English bark Robert Downs, of Sidney. We gave them our name as the Russian ship of war Prince Petropauloski, bound on a cruise; she saluted us, and we parted.

In two or three days, near the entrance of Behring's Straits, we sighted three more vessels; they proved to be the ships Milo, the bark Sophia Thornton, and bark Jerry Swift; they were all captured. The Milo was bonded on condition of her receving the crews of the others and the prisoners we had on board; the others were burned. This was in the month of June. The next vessel we took was the brigantine Susan Abigail, of San Francisco; she was twenty-eight days from San Francisco, and bound on a general trading voyage in the Arctic Sea. She had many fancy articles on board, but we took nothing from her, but burned her immediately, as the captain and crew had told us that General Lee had surrendered, and the war was over. It was on the —— day of June last when we captured and burned this vessel. This was the first news we heard that the war was over. This news depressed us. On the following night, about 12 o'clock, we took three other vessels; the bark J. C. Nye, of San Francisco; bark Nimrod, of New Bedford; and bark Catharine, of New Bedford, all whalers. These three last vessels were captured and burned on the night of ———.

The next vessels taken were the bark Isabella, of New Bedford, and bark General Pike, of New Bedford, and the bark Gypsie, of New Bedford. They were captured on the ——— ———.

The General Pike was ransomed; the Isabella, and a bark called the Gypsie, of New Bedford, were burned. The Isabella was brought alongside the Shenandoah, and her stores taken out and placed on our vessel before she was burned. The crew from these vessels were all placed on the General Pike. Another vessel was in sight, but the captains from the prize-vessels told us she had the small-pox on board, and we let her pass, although she showed the American flag.

Early in the morning of ———, the weather being foggy, we were very nearly being run into by the bark Waverly, of New Bedford. We took her and burned her. On the same day the fog cleared off, and we saw several vessels anchored in a bay or roadstead; they were about eight or twelve miles from land. Most were at anchor; some were with their sails furled up; there were eleven altogether. We were at this time under the pilotage of Mr. Manning. It was through him that we had reached this point. They all hoisted the American flag. On our nearing them we too hoisted the American flag. The first vessel proved to be the bark Martha, of New Bedford; she was under canvas, and was just going to anchor; she was boarded by us and taken possession of. We then came up to a lot of them; they were the bark Congress, of New Bedford; bark Nassau, of New Bedford; bark Corington, of New Bedford; [698] the ship James Murray, of New Bedford; the ship Brunswick, of New *Bedford; ship Hilman, of New Bedford; the bark Nile, of New Bedford; the ship Isaac Howland, of Warren, Rhode Island; and the bark Favorite, of Fair Haven. This last vessel, on our boat going to board her, made resistance. Her captain pointed a bomb-gun at us, and threatened to fire at us if we approached his ship. All his crew were armed with handspikes. At this time nearly all the vessels above-mentioned were in our possession, and several of them were in flames, and the United States flag was still flying at our gaff or mizzen peak; we had not any other up to this time flying. On receiving this hostile reception we returned to the Shenandoah, and informed the lieutenant what had happened. He hauled down the United States flag and hoisted the confederate flag on the Shenandoah, and approached with his vessel to within speaking distance, hailed the captain, and told him that every person must leave her within five minutes, or he would fire into and sink them. Captain Waddell ordered one of the Whitworth guns to be loaded, and repeated the order to point the gun to hit that ship. Before the five minutes had expired all the crew had left in their boats; the captain refused to do so, and remained on board. First Lieutenant Whittle, on seeing that the crew had left the ship, hailed the bark again, and told the captain to haul down his flag. The captain replied that he would not. The first lieutenant then ordered our boat to be hauled up, and in great excitement snatched a loaded rifle from one of the marines, jumped into the boat, and told us to give way and pull with all our might. On approaching the vessel Lieutenant Whittle pointed the rifle at him, and told him if he did not within five minutes go and stand in the port gangway, leaving his arms on the poop, he would shoot him dead on the deck where he stood. The captain appeared to be intoxicated. We went round and boarded the vessel, took possession, and burned her.

We bonded the two ships James Murray and Brunswick, and burned all the rest. The crews from the burned vessels were placed on the Murray and Brunswick.

After firing these vessels we steered to the northward for a day and a night, but meeting with heavy sea we turned about and steered for the south. Manning protested against our turning about, saying in a few more days he could find as many more vessels as we had already taken.

Three or four days after, about the ———, we spoke a Honolulu brig; hailed and asked her what news she had. He replied that General Lee had surrendered, and the Northern President had been assassinated.

After this, on the 6th day of July, we left Behring Straits for the Pacific Ocean. When in the latitude of San Francisco, on the 2d of August, 1865, we spoke the bark Barracouta, of Liverpool, from San Francisco to Swansea, fourteen days out. We sent a boat on board, and he told us that the war was over, confirming the news we had heard before.

On the following day all hands were called aft, and Captain Waddell told them it was indeed true that the South had been suppressed, and the war over. He told the men all they had to do was to obey him; that he intended to take them to a British port, and that however much trouble they might be put to, he and his officers would be in a much worse condition, but that if they would stand by him he would stand by them. He alluded to a letter which had been sent aft by the crew, requesting him to go into a British port. He told them he would go into a British port. Some wanted to go to Australia, but they all seemed content with his ultimate decision to come to Liverpool.

We rounded the Horn on the 13th September, and made direct for Liverpool. When in latitude of the Cape of Good Hope the officers called a meeting, and signed a petition requesting the captain to run in and land them at Cape Town. Captain Waddell refused to accede to this.

The next day Lieutenant Whittle waited on the Captain at the request of the officers, and renewed the matter. The captain still refused.

On the following day the men held a meeting, and signed a petition to the effect that they were willing to go wherever the captain took them. He then continued on his course for Liverpool, where we arrived on the 6th November, 1865.

Our general practice while cruising was, when we captured a vessel, to bring the men and officers to the Shenandoah and put them in irons. In some cases the officers were not put in irons. In approaching vessels our general practice was to hoist the English flag; this was done in most cases when we captured a prize or spoke a vessel. In a few instances we hoisted the Russian and American flags, but the English flag was the one we generally used.

The only inducement held out for men from vessels captured to join our ship [699] were *these: After they were put in irons, the officers would approach them and say, "Now you are in irons, and will probably be kept there for a month, and you are earning nothing; now, if you will join us, you will be set at liberty, treated well, and earn good wages; you had therefore better consent to do it." Many agreed to do this.

F. Manning, the mate from the Abigail, was not put in irons at all. He became an active man among us as soon as he got on board, and volunteered his services to conduct us to the whaling-fleet, and was thanked and complimented by the captain, and promoted for his services.

When we captured a vessel we always took all the money, jewelry, chronometers, and other valuables that were in the ship, and all the money and jewelry that the captain and officers had in their pockets or about them, except their watches and what they were wearing. In one or two instances their watches were taken from them by our men. Complaint was made by the captains of this to our officers, but they never got any redress.

After a vessel was condemned, and we had taken everything we wanted from her, we would proceed to break up her cabins and furniture with our axes, and then set her on fire. That is the way we did whenever we burned them. There were two cases where we sunk them.

A day or two before we arrived at Liverpool Captain Waddell had all the men called aft. He commenced to address them, and said when the ship first started she had $22,000 on board of her. Out of that he took $18,000 to defray the expenses in Melbourne; consequently, when he came to consider the large amount that was due to each one of us, the small amount of money left would go but a little way among us, but what there was should be equally divided among the officers and men, and on our arrival in Liverpool he would endeavor to see where the rest of our money was to come from. He said he had no doubt but what among the southern population of Liverpool, who had been so interested and concerned in the war, there would be some who would be willing to contribute to pay us, who had done so much. He then went on to say what satisfaction the good conduct of the crew during the cruise had given him, and he only hoped up to the last moment of their stopping in the ship they would behave in the same orderly manner. He added, "You have gained a name by serving in this vessel that will never be forgotten. Your acts will be talked of all over Europe." He said that when we got on shore it would be very annoying to him to have the men following him about Liverpool to the offices; he would, therefore, appoint Lewis Wiggins and James Brossman, to whom he would communicate, and who would communicate his wishes to the men. He promised to give us each a certificate of the exact amount due to us.

The day before we arrived in Liverpool we were paid the money that was promised on the ship, that is, the cash in hand was divided. My share was £5, which was paid me in English gold. A part of the crew were paid partly in English and partly in American coin.

We came on shore at Liverpool on Wednesday evening, the 8th day of November, 1865. We heard nothing more about the payment until the following Friday. I had gone to and was stopping at the Sailors' Home in Liverpool. A majority of the men from the Shenandoah were stopping at the Sailors' Home in Liverpool. No objection was made to our stopping in the Sailors' Home in Liverpool. They admitted all who applied, but would not take the name of our ship; they put us down under the name of another vessel.

On Friday Wiggins, who was stopping at the Sailors' Home with us, came and collected all the certificates that had been given us before we left the Shenandoah showing the amount due to us, telling us that he would most likely pay us the following day.

About 10 o'clock on Saturday, the 11th of November, 1865, he commenced to pay off the crew up-stairs in his own room at the Sailors' Home. Morton acted as clerk. He called them in one by one, and commenced paying them in full in English gold. He paid off about one-half of the crew in full. The following day I went down to the Home and asked him to give me a few shillings, as I had not been paid; and he then told me there would not be enough money to go round and pay all.

The next morning he commenced paying the crew one-half their wages, and retained their certificates. There were due me £49 14*s.* I got only £22. This was paid me in English gold. That same evening Wiggins went to London in disguise. Morton took a second-class ticket to Bristol.

On Friday, the 17th November, I went to the Waterloo Hotel, and there saw Captain Waddell. He took me up to his room. I asked him what prospect there was [700] of our *being paid. He told me he had given Wiggins enough money to pay all the men all that was due them, and he had no doubt but what Wiggins was acting for the best. This is the last time I have seen him, but several of the crew have seen him subsequently.

We arrived at Liverpool on the afternoon of the 6th of November, as above stated, and anchored in the river Mersey, near Her Majesty's ship Donegal. We came up with the confederate flag flying.

Just as we anchored a lieutenant from the Donegal came on board. After conversing with Captain Waddell he left, and soon after Captain Paynter of the Donegal came. He remained about an hour, and as he passed over the side of the ship said he would telegraph Earl Russell and let Captain Waddell know the answer as soon as he got it. That night a company of marines, with two officers, from the Donegal, came on board and took possession of the vessel. These men from the Donegal would not permit any of the officers or men to leave the vessel. That night Captain Whitehead, of Liverpool, sent off to the ship two barrels of ale, one of porter, a lot of fresh beef, fresh mutton, and a large supply of vegetables, eggs, and cheese, enough for all hands, and two or three tubs of butter, with plenty of fresh bread. This was received on the vessel, and all hands partook of it. The next night Jones & Co. (or Jones, Highat & Co.) sent us off a boat-load of provisions, &c., but the custom-house officers would not permit it to come on board. Captain Paynter visited the ship frequently. On the morning of the day we were released he came, and, as he was going, he said, "Men, you need not be impatient; you will soon be released, probably this evening. I am doing all in my power to obtain it for you. As soon as the formalities are got through with, and I receive the proper instructions, I will do it." That evening, the 8th day of November, he came on board in a tug-boat. As he came on board he said, "I have come to release you, my men." He was cheered by the men. He went immediately aft. The men were all mustered. While we were mustering and making preparations to go aft, Captain Waddell sent some of the marines among the men to tell them they were all to be southerners when their names were called. I was myself told this by a marine by the name of John Ivors, who told me the captain had sent him to tell all the crew. On being mustered after, in the presence of Captain Paynter and Lieutenant Whittle, in consequence of this information, we all stated that we were southerners when our names were called out. The mode was this: we were all mustered one side of the vessel. Lieutenant Whittle called our names and number, and as each man was called he passed in front of Captain Paynter, who addressed to each, "What countryman are you?" All the Englishmen, Scotch, or Irish answered that they were southerners. The other foreigners answered according to their nation. As soon as this was done we were told to get into the steamer as quick as possible, which we did, and were then landed at Liverpool. No parole was asked or taken from any of us. We were told we were at liberty. Mr. Lynch, the carpenter, married an English woman some time before our cruise commenced, and was living before, and is now living, at Liverpool. On Thursday or Friday after we were landed James Baines, a merchant of Liverpool, sent for all the officers of the Shenandoah to come to his office.

The annexed list contains the names of all the officers, petty officers, and men of the Shenandoah after we left Melbourne up to the time we arrived in Liverpool. There were some men who left the ship at Melbourne, whose names I do not know. With two or three exceptions, the men and officers in the list are those that were landed at Liverpool. The list gives the nationality of each person, when he enlisted, and when he left the vessel.

(Signed) WILLIAM A. TEMPLE.

Sworn and subscribed to before me this 6th day of December, 1865, at Liverpool, in the county of Lancaster, in England. Before me,

(Signed) JAS. THORNELY,
Notary Public, Liverpool.

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[701] *[Inclosure 3 in No. 105.]

List of the officers and men of the Shenandoah, referred to in the preceding affidavit.

OFFICERS.

James J. Waddell, commander; an American; came out in the steamer Laurel from Liverpool.

List of crew. William C. Whittle; first lieutenant; an American; joined the Sea King at London.

John Grimball, second lieutenant; an American; came out in steamer Laurel from Liverpool.

Sydney Smith Lee, third lieutenant; an American; came out in steamer Laurel from Liverpool.

Frederick Chen, fourth lieutenant; an American; came out in steamer Laurel from Liverpool.

Dabney N. Scales, fifth lieutenant; an American; came out in steamer Laurel from Liverpool.

Charles Edward Lining, first surgeon; an American; came out in steamer Laurel from Liverpool.

Frederick M'Ulty, second surgeon; an American; came out in steamer Laurel from Liverpool.

Matthew O'Brien, first or chief engineer; an American; came out in steamer Laurel from Liverpool; was in the Alabama.

Charles Codd, first assistant engineer; an American; came out in the steamer Laurel from Liverpool; was in the Rappahannock.

John Hutchinson, second assistant engineer; a Scotchman; came out in and joined from the Sea King.

Francis M'Guffney, third assistant engineer; an Irishman; came out in steamer Laurel from Liverpool; was in the Sumter and Alabama under the name of Curren.

Irvine S. Bullock, sailing-master; came out in steamer Laurel from Liverpool; was in the Alabama. Is brother to J. D. Bullock.

John Blackar, an Irishman; captain in the English merchant service; joined at Melbourne as captain's clerk.

Orris A. Browne, a passed midshipman; an American; came out in the steamer Laurel from Liverpool.

John J. Mason, a passed midshipman; an American; came out in the steamer Laurel from Liverpool.

Cornelius Hunt, master's mate; an American; came out in the steamer Laurel from Liverpool; was on the Georgia and Rappahannock.

F. C. Minor, master's mate; an American; came out in the steamer Laurel from Liverpool; was in the Alabama and Sumter.

Lodge Colton, master's mate; an American; came out in the steamer Laurel from Liverpool; was in the Rappahannock.

H. Manning, master's mate; an American; joined us from the bark Abigail; was second mate on her.

W. B. Smith, purser; an American; came out in steamer Laurel from Liverpool; was captain's clerk on Alabama.

George Howard, boatswain; an Englishman; belongs to the royal navy of England, or had served in it; came out in steamer Laurel from Liverpool; has been in the Alabama.

Peter Guy, gunner; an Englishman; has been in the royal navy of England; came out in steamer Laurel from Liverpool.

John Lynch, carpenter; an American, from New York, but married to an English woman residing in Liverpool; came out in steamer Laurel from Liverpool.

John O'Shey, carpenter, but resigned at Melbourne; came out in Laurel from Liverpool; was an Irishman by birth.

A. Alcott, sail-maker; an Englishman; came out in steamer Laurel from Liverpool; was on the Alabama.

PETTY OFFICERS.

Michael Moran, an Irishman; first captain of forecastle; came out in steamer Laurel from Liverpool.

William Warren, an Englishman; second captain of forecastle; came out in the steamer Laurel from Liverpool.

Louis Rowe, a Frenchman; captain of main-top; joined us from bark Alina.

Robert Dunning, an Englishman; captain of fore-top; joined us at Melbourne.

Thomas Strong, an American; captain of mizzentop; joined us at Melbourne.

Charles Cobbey, an Englisman; gunner's mate; joined us at Melbourne.

James Bronnan, an Englishman; chief boatswain's mate; came out in steamer Laurel from Liverpool; was on the Alabama.

Thomas Hall, an Englishman; quartermaster; came out in steamer Laurel from Liverpool.

John James, an Englishman; carpenters mate; joined us at Melbourne.

John Spring, an Englishman; captain of the hold; joined us at Melbourne.

William Crawford, an Englishman; gunner's mate; came out in the steamer Laurel from Liverpool; was on the Alabama.

Lewis Wiggins, a Russian; signal quartermaster; came out in the steamer Laurel from Liverpool.

Ernest W. Burt, an Englishman; doctor's steward; joined us at Melbourne.

James A. Exshaw, an Irishman; purser's steward; joined us at Melbourne.

Peter Raymond, a Frenchman; captain of fore-top; joined us from bark Alina.

William West, an Englishman; captain of main-top; belongs to royal naval reserve; joined us from bark D. Godfrey.

John Griffiths, an Englishman; captain of mizzen-top; came out in the steamer Laurel from Liverpool.

Henry Fox, or Henry Yates, an Englishman; gunner's mate; came out in steamer Laurel from Liverpool; was on the Alabama.

John Davy, an Englishman; boatswain's mate; joined us from bark D. Godfrey.

John W. Jones, a Welshman; quartermaster; came out in the steamer Laurel from Liverpool.

Jacob Hanson, a Dane; quartermaster; joined us from the bark L. M. Stacey.

Francis Tuft, an Englishman; joined us from the Edward.

Franklin Gloon, his right name is ——— ———, sailmaker's mate; an American; joined us at Melbourne.

Charles McLaren, a Scotchman; master-at-arms; joined us at Melbourne.

James Marlow, an Englishman; ward-room cook; came out in the Laurel from Liverpool.

Charles Hopkins, a negro, Baltimore; ward-room cook; joined us from schooner L. M. Stacey.

William Smith, an Englishman; ship's cook; joined us at Melbourne.

John Williams, a negro; ship's cook; joined us from bark D. Godfrey; left us at Melbourne.

William Bruce, a Malay; ward-room steward; joined us from bark Alina; left us at Melbourne.

[702] * David Alexander, corporal of marines; a Scotchman; joined us at Melbourne.

William Park, an American; corporal of marines; joined us from ship Hector.

William Fenner, an English boy; captain's steward; came out in the Laurel from Liverpool.

H. C. Canning, an Englishman; joined us at Melbourne; died October 29, 1865.

SEAMEN.

John Collins, an American; joined us at Melbourne.
Thomas Foran, an Irishman; joined us at Melbourne.
Lawrence Kerney, an Irishman; joined us at Melbourne.
John McDonal, a Scotchman; joined us at Melbourne.
John Ramsdale, an Englishman; joined us at Melbourne.
John Kilgower, a Scotchman; joined us at Melbourne.
Thomas Swanton, an Englishman; joined us at Melbourne.
James Welch, an American; joined us from bark Pearl.
John Morris, a Portuguese; joined us from ship Hector.
George Adeias, a Portuguese; joined us from ship Hector.
Walter Way, an Englishman; joined us from the Susan.
John Hawthorn, an Irishman; joined us from the ship General Williams.
Alfred Seaman, a Prussian; joined us from ship S. Abigail.
Charles Graft, a German; joined us from ship S. Abigail.
Antonio Delombas, a Portuguese; joined us from ship Hector.
John Blacking, a Dane; joined us from bark D. Godfrey.
John Moss, an Irishman; joined us at Melbourne.
William Simpson, an Englishman; came out in Laurel from Liverpool; was on the Alabama.
Joachim Roderichs, a Portuguese; joined us from ship Hector.
George Flood, an American; joined from bark D. Godfrey.
James Fegan, an Irishman; joined us at Melbourne.
Samuel Crooks, an Englishman; joined us at Melbourne.
John Simmes, an Englishman; joined us at Melbourne.
John Hill, an Irishman; joined us at Melbourne.
William Hutchinson, an Englishman; joined us at Melbourne.
Thomas Evans, a Welshman; joined us at Melbourne.
Charles H. Morton, an American; joined us at Melbourne.
George H. Gifford, an American; joined us at Melbourne.
John Kelly, an Irishman; joined us from brigantine Susan Abigail.
John Dowden, an American; was mate on the Abigail, and joined us as seaman.
Julius Colar, an American; joined us from the ship General Williams.
Alexander Pattison, a Scotchman; joined us from the Susan Abigail.
John Hilcox, an Englishman; joined us from the General Williams.
Henry Canning, an Englishman; joined us at Melbourne.
Joseph Steveson, a negro; joined us from the Pearl.
John Vanarery, a Canadian; joined us from the Gypsey.
Michael Rose, called Reed; an Englishman; came out in the Laurel from Liverpool; was in the Alabama.
William Bill, from Sandwich Islands; joined us from Abigail; died 26th October, 1865.
Henry Givens, from Sandwich Islands; joined us from Abigail.
John Mahoe; from Sandwich Islands; joined us from Abigail.
Joseph Long; from Sandwich Islands; joined us from Abigail.
James California; from Sandwich Islands; joined us from Abigail.
James French; from Sandwich Islands; joined us from Abigail.
John Sailer; from Sandwich Islands; joined us from Abigail.
William Brown; from Sandwich Islands; joined us from Abigail.
Joseph Kanaca; from Sandwich Islands; joined us from Abigail.
John Boy; from Sandwich Islands; joined us from Abigail.
Edward Wicks, a negro; joined us from the Waverley.
W. J. Jones, an Englishman; came out in Sea King.
James Ross, a Canadian; joined us at Melbourne.
John Williams, an English boy; joined us at Melbourne.
James Oar, an English boy; came out in Laurel from Liverpool.
Robert Rossell, a Spanish boy; joined us from the Hector.
Duke Simmons, a Malay; joined us at Melbourne.

FIREMEN.

John Martin, an Englishman; engine storekeeper; came out in the Sea King.

David Marshall, an Englishman; first-class fireman; came out in the Laurel.
Thomas McLean, a Scotchman; first-class fireman; joined us at Melbourne.
William Brice, a Scotchman; joined us at Melbourne.
William Green, an Englishman; joined us at Melbourne.
William Rawlinson, an Englishman; came out in the Laurel from Liverpool.
William Clark, an Englishman; came out in the Sea King, from London.
William Burgess, an Englishman; joined us at Melbourne.
Joseph Mullineux, an Englishman; joined us at Melbourne.
Henry Sutherland, a Scotchman; joined us at Melbourne.
James Carr, an Englishman; joined us from the ship J. C. Nye.
James Stranth, a Scotchman; joined us at Melbourne.

MARINES.

Henry Reiley, a Canadian; joined us at Melbourne.
William Kenyon, an Irishman; joined us at Melbourne.
Robert Brown, an Englishman; joined us at Melbourne.
John Murray, an Irishman; joined us from the bark Abigail.
[703] *Emanuel Silver, Portuguese; joined us from the bark Abigail.
William Burnet, a Prussian; joined us from the bark Abigail.
Thomas Barry, an Englishman; joined us from brigantine Susan Abigail.
Thomas Floyd, an Irishman; joined us from bark Favorite.
John Ivors, an Irishman; joined us from bark Favorite.
Thomas Poulson, an Englishman: joined us from bark Favorite.
James Clury, an Englishman; joined us from bark Favorite.
John Grimes, an Irishman; joined us from bark Favorite.

(Signed) WILLIAM A. TEMPLE.

(Signed) JAS. THORNELY,
Notary Public, Liverpool.

[Inclosure 4 in No. 105.]

Affidavit of Margaret Marshall.

Affidavit of Mrs. Marshall.

Payment of wages at Liverpool.

I, Margaret Marshall, of No. 29 Benlidi street, Liverpool, say I am the wife of David Marshall. My husband was one of the firemen on the steamer Shenandoah, late in command of Captain Waddell. He went out from Liverpool in the Laurel, and joined the Shenandoah at the island of Deserta, near Madeira, and remained on her during the whole cruise, and left her only after her arrival at Liverpool last month. His wages were £7 a month. They gave him a half-pay note for me; it was sent to me by my husband from Madeira. It was for £3 10s. per month, made payable to me. It was payable at the office of Fraser, Trenholm & Co., Liverpool, No. 10 Rumford place. It was paid regularly every month while he was gone up to the 18th day of October last, on which day the last payment was made to me—I mean October 18, 1865. Mr. Robinson was the cashier in the office of Fraser, Trenholm & Co., who made some payments to me. The payments were made to me in person. They took my half-pay note from me at the office, and now have it.

(Signed) MARGARET MARSHALL.

Sworn and subscribed to before me this 11th day of December, 1865.

(Signed) JAS. THORNELY,
Notary Public, Liverpool.

No. 106.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *December* 30, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, inclosing further papers respecting the case of the Shenandoah, and to state to you that they shall receive due attention.

I am, &c.,
(Signed) CLARENDON.

[704] *No. 107.

The Earl of Clarendon to Sir F. Bruce.

FOREIGN OFFICE, *January* 19, 1866.

Reply to protest of United States Government.

SIR: In my dispatch of the 26th ultimo I transmitted to you a copy of a dispatch addressed to Mr. Adams by Mr. Seward, and which had been communicated to me by the former, protesting against the course pursued by Her Majesty's government with regard to the Shenandoah.

Her Majesty's government have had this dispatch under their consideration in communication with the proper law-advisers of the Crown; and I have now to state to you that it is impossible for Her Majesty's government to avoid expressing their surprise and regret at the tone and style which throughout characterize it. The dispatch imputes to Her Majesty's government, in plain terms, a determination to disregard "applications for justice" made by the United States Government, and an intention to shelter from the punishment due to their offense persons known to be guilty of piracy.

Her Majesty's government think that by not replying to this extraordinary and unfounded charge they shall best consult their own dignity, and exhibit their desire to maintain friendly relations with the Government of the United States.

With respect to the proofs stated to have been furnished to Her Majesty's government of the alleged guilty practices of the Shenandoah, and the statements as to the nationality of her crew, I have to make the following observations:

Mr. Seward, in his dispatch, while dwelling only upon the crime of piracy, which he assumes to have been committed by the commander and crew of the Shenandoah, says that the alleged offenders, when under the power of Her Majesty's government, obtained their "discharge and unconditional enlargement" upon two grounds—first, that Her Majesty's government had in their possession no evidence to impeach a prevaricating plea of the commander; and, secondly, that none of those persons were subjects of Great Britain; "whereas," he says, "upon evidence which seems to this Government entirely conclusive, all the offenders were either native subjects of the Queen, or had become, by some sufficient form of refuge or domiciliation, amenable, equally with native subjects, to the penal laws of the realm."

Mr. Seward cannot be ignorant that Her Majesty's government have never alleged the fact that none of these persons were shown to be subjects of Great Britain, as a reason for not prosecuting them for piracy. Foreigners guilty of piracy are as much amenable to the tribunals of this country as natural-born subjects. It was only with reference to a very different question, namely, whether any charge could be made under the "foreign-enlistment act," that the nationality of these persons was, or was ever alleged to be, material. That question, of course, depended upon the words of the particular statute, under which the enlistment abroad or on the high seas of persons who had become by any "form of refuge or domiciliation" or otherwise amenable to British laws while in this country, would not be an offense, unless they were "natural-born subjects of Her Majesty."

Mr. Seward does not commit himself to the assertion that Her Majesty's government were in possession of evidence to show that any of those persons who formed the crew of the Shenandoah when she arrived at Liverpool were natural-born British subjects; and, as a matter of fact, it is certain that Her Majesty's government were not in possession of any such evidence; nor could such a fact be presumed in the absence of evidence against individuals coming to Liverpool on board a confederate ship of war, and not shown to have enlisted in Her Majesty's dominions.

To return to the first ground, the only material one, as to the charge of piracy, upon which Her Majesty's government is, and so far truly, said to have acted. Whether Captain Waddell's statement was or was not open to the charge of prevarication brought against it by Mr. Seward, it was not in the power of Her Majesty's government to detain any of those men without laying an information against them before a magistrate in the ordinary course of law, and supporting it by at least some *prima-facie* evidence. The simple fact is that there was no such evidence. But Mr. Seward says, (1) that "every part of the unlawful transactions complained of had occurred either in British ports or on the decks of the Shenandoah, herself a British vessel; (2) that all these transactions had been made fully known to Her Majesty's government; and (3) that any parties who could give the necessary testimony for the conviction of the pirates were not only within British jurisdiction but actually within custody of Her Majesty's government."

Each of these propositions must be separately examined. The first seems to Her Majesty's government to imply that Mr. Seward's [705] charge of piracy against the Shenandoah *is not founded upon the alleged continuance of hostilities by Captain Waddell after he had received notice of the termination of the war, but that he designates as piracy all the captures made by that vessel during the whole course of the war, and endeavors to support that pretension by the allegation that she was throughout "a British vessel." To this it is enough to say that such a view is opposed either to universally acknowledged principles of law, or to notorious and indisputable facts; to universally acknowledged principles of law, if Mr. Seward means to contend that the commander and crew of a vessel, commissioned as a public ship of war by a revolutionary government which has been recognized as a belligerent power by neutral nations, can be charged in a neutral country with piracy, merely for capturing and destroying the ships of the other belligerent; to notorious and indisputable facts, if he means to deny that the Sea King was transferred and delivered by her former British owners and commander to agents of the Confederate States, by whom she was purchased, in order that she might be employed and commissioned by and in the service of those States, or that she was actually so employed and commissioned as a public ship of war under the name of the Shenandoah from a period antecedent to the first capture by her down to the close of the war. It cannot be too distinctly understood that no charge of piracy could possibly be preferred or entertained against this vessel under these circumstances by Her Majesty's government, or in the courts of this country, unless it had been satisfactorily shown that this ship willfully continued to seize and destroy United States vessels after she was apprised of the termination of the war. But there is a further answer to the allegation that the Shenandoah is to be regarded as having been, while making war upon the United States, a British vessel. When she arrived at Liverpool, Mr. Adams, on the 7th of November, 1865, requested Her Majesty's government to take possession of her, with a view to deliver her into the hands of his (the United States) Government, taking notice, at the same time, of the belligerent character which in the eyes of Her Majesty's government she had possessed, though suggesting that there might be grounds for taking criminal proceedings against the persons on board, either because "her ravages appeared to have been continued" after her claim to a belligerent character had, at all events, ceased, or because several of those persons were "British subjects."

Her Majesty's government having received from Captain Waddell the possession of this ship, surrendered by him expressly for the reasons alleged in his letter of the 6th of November, 1865, namely, that "as all the property of government had reverted, by the fortune of war, to the Government of the United States of North America, therefore this vessel, inasmuch as it was the property of the Confederate States, should accompany the other property already reverted," complied with Mr. Adams's request, and delivered up the ship to the agents of the United States Government; at the same time sending Mr. Adams a copy of Captain Waddell's letter. Mr. Adams, in a letter dated the 14th of November, 1865, stated that the consul of the United States at Liverpool had taken charge of the vessel under his instructions; and added what has, unfortunately, not been verified by the event, that he "entertained no doubt that the promptness of this proceeding would give great satisfaction to his Government."

It is hardly necessary for me to point out to you that Mr. Adams's request for the delivery of the ship to the United States Government could neither have been made or complied with, except upon the ground that she was, in the circumstances which had happened, the lawful property of that Government. If she had been British-owned, as Mr. Seward now desires to represent, the Government of the United States could have had no possible claim or title to her, even though she might have been guilty of piracy, nor could the Crown of Great Britain have acquired any title to or disposing power over her, by means of any surrender of Captain Waddell in the port of Liverpool, or by any other means short of a regular forfeiture and condemnation by process of law.

To Mr. Adams, when he made the request, all this was, of course, perfectly well known; and he also knew, if not otherwise, at all events from the proceedings before Vice-Chancellor Wood in the case of The United States *vs.* Prideaux, taken by his own direction, that the government and the courts of this country must necessarily recognize his Government as entitled to the property in this vessel, on the ground stated by Captain Waddell, namely, that she had been acquired and was possessed, as public property, by the persons who during the war had exercised the powers of government in the Confederate States—a ground which, I may add, was also distinctly recognized by the United States prize court in the case of the Wren. Her Majesty's government were at the time entitled to assume, and they did so assume, that this request was made upon this ground, on which alone it could be supported; and after having so obtained the delivery of the vessel, it certainly does not seem to Her Majesty's government to be consistent in the Government [706] of the United States to deny that she was a *public ship of war belonging to and commissioned by the revolutionary government of the Confederate States.

I have dwelt so much upon this point because it seems to be that upon which Mr. Seward really relies. I now proceed to examine his second statement, namely, that "all the transactions" supposed to make out a case of piracy against the Shenandoah, "had been," before the crew were released at Liverpool, "fully made known to Her Majesty's government."

This confirms Her Majesty's government in their impression that Mr. Seward does not mean to rely upon the allegation that the Shenandoah continued her ravages after she was apprised of the termination of the war. For the fact is, that the only particular with respect to any capture or captures made by the Shenandoah at any date or dates subsequent to the termination of the war, which had ever before that time been communicated to Her Majesty's government either by Mr. Adams or in any other manner, were contained in the documents relating to the capture of the William C. Nye on the 26th of June, 1865, and were forwarded with Mr. Adams's letter to Earl Russell on the 21st of October last, and of which I now inclose copies.[1] Those documents, however, which included the protest of the master of the William C. Nye, made at San Francisco on the 7th of August last, are absolutely silent as to any notice or knowledge of the termination of the war, either by the captors or by the master or crew of the William C. Nye, or by any of the persons met by them on board the Shenandoah who had belonged to the crews of vessels previously captured.

This seems to Her Majesty's government to be very strong negative evidence that the termination of the war was not, in fact, known at the time when and in the seas where this capture took place. But, whether that be so or not, these documents certainly did not put Her Majesty's government in possession of any evidence showing or tending to show that the crime of piracy had been committed.

There remains only Mr. Seward's third statement, that "any parties who could give the necessary testimony for the conviction of the pirates were not only within British jurisdiction, but virtually within the custody of agents of Her Majesty's government." As Mr. Seward has not explained to what persons he here refers, I can only say that the existence of persons able to give such testimony was not then known or indicated to Her Majesty's government; and if it was then known to the minister or any other agent of the United States in this country, it was not communicated by them to Her Majesty's government. If Mr. Seward means that some of the persons forming the crew of the Shenandoah could themselves have given available evidence for this purpose, it is hardly necessary to observe that no such evidence was offered or known to be available; and that it is not consistent with our usual method of administering justice to endeavor to extract from persons suspected, even on probable grounds of crime, admissions capable of being used against themselves.

Her Majesty's government have no further comments to offer on this dispatch, except to repeat what they have already stated, that if the agents of the United States in this country, or any other persons, were in possession of evidence on which a charge of piracy against the officers and crew of the Shenandoah could have been supported before a magistrate, it was competent for them to have themselves preferred such a charge, and have obtained a conviction thereon in due course of law.

You will read and give a copy of this dispatch to Mr. Seward.

I am, &c.,
(Signed) CLARENDON.

No. 108.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *January* 19, 1866.

SIR: Her Majesty's government having had under their considera-

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[1] See Inclosure 1 in No. 32.

Reply to Mr. Adams's representation.

tion, in communication with the proper law-advisers of the Crown, your letter of the 28th ultimo and its inclosures, respecting the case of the Shenandoah, I have now the honor to state to you that these papers contain the first evidence which has been submitted to Her Majesty's government bearing on the alleged piracy of Captain Waddell, and on the alleged breach of the foreign-enlistment act on the part of persons forming part of the crew of the Shenandoah when she arrived at Liverpool.

Remarks on Temple's statement.

[707] *With respect to the charge of piracy, Temple, who shipped on board the Sea King, according to his affidavit, as an ordinary seaman in the port of London, in October, 1864, certainly states that, on some day of June last, Captain Waddell was told by the captain and crew of a vessel which he had captured, that General Lee had surrendered, and that the war was over. It does not appear that this statement of the captain and crew, if actually heard by Temple, was at the time confirmed by anything written or printed, such as newspapers, letters, &c., and the truth of Temple's statement may be greatly doubted from the entire silence of the protest of the master of the William C. Nye, stated by Temple to have been afterward captured upon the same point. The William C. Nye, it is to be observed, as appears from the protest, of which a copy was forwarded by you to Lord Russell on the 21st of October last, was captured on the 26th of June. Captain Waddell continued to make prizes after this; but after the receipt of the next information, the date of which is not given further than that it was before the 6th of July, Temple does not assert that any further prizes were made. The next date which he gives is the 2d of August, when Captain Waddell made further inquiries of the Barracouta, an English vessel, and, upon receiving from her confirmation of the intelligence, determined to sail to England.

Her Majesty's government are advised that upon this evidence there would not be such a reasonable probability of obtaining a conviction on the charge of piracy as to warrant a prosecution. Temple's statement as to the first communication of the cessation of the war to Captain Waddell would probably be contradicted by witnesses on Captain Waddell's behalf; but even if it were uncontradicted, the jury might well doubt whether Captain Waddell really believed the information of what he may reasonably have regarded as highly improbable, until it was subsequently confirmed, and, if he did not believe it, the guilty knowledge necessary to his conviction would not be established.

Inquiry will be made as to crew, and prosecutions instituted if they can be sustained.

With respect to the nationality of some of the crew of the Shenandoah, Her Majesty's government think that the statements of Temple, although he does not show what means he has of knowing that any of the persons described as British subjects in his list are natural-born subjects of Her Majesty, are such as to make further inquiries necessary. Endeavors will therefore be made to ascertain the present residence or whereabouts of those whom he describes to be British subjects, and to ascertain what further proof can be obtained on this subject. Mrs. Marshall cannot give evidence against her husband, but other evidence against him may possibly be obtained.

Prosecutions under the second section of the foreign-enlistment act will be instituted against any British subjects as to whom Temple's evidence can be confirmed by trustworthy testimony.

With respect to that part of your letter which refers to two 18-pounder guns being mounted on the deck of the Shenandoah when she left England, Her Majesty's government have to observe that if this were true, it would be immaterial, inasmuch as you do not assert that either you or Her Majesty's government had information of it; and further, that the total silence of all witnesses in the case of the Queen *vs.* Corbett, who had been examined by the United States consul on the subject of these guns, throws some doubt, to say the least, on this part of Temple's story. Independently of which, it is clear that the general armament and equipment of the Shenandoah, with the necessary munitions of war, was provided by the Laurel; and there is nothing to render it probable that without such equipment, and in the state in which she left this country, the Shenandoah, even if she carried the two guns alleged, was in the condition of an armed vessel capable of committing hostilities against the United States.

Among other statements in the depositions of Temple which appear to require notice, are some relating to the conduct of the governor and officers of the government at Melbourne, in Victoria.

Copies of your letter and its inclosures have accordingly been sent to the colonial office for inquiry as to the conduct of the authorities at Melbourne, as well as to the home office, with a view to prosecutions being instituted under the foreign-enlistment act, if sufficient evidence can be obtained to warrant proceedings being taken against any parties.

I am, &c.,
(Signed) CLARENDON.

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[708] *No. 109.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *January* 20, 1866.

SIR: I am directed by the Earl of Clarendon to transmit to you the accompanying copy of a letter from Mr. Adams,[1] inclosing an affidavit by one of the seamen of the Shenandoah, together with a list of her crew; and I am to request that, in laying the same before the lords commissioners of the admiralty, you will move their lordships to cause Captain Paynter to be called upon for a report on this list.

Inquiry made as to Temple's statement.

I am, &c.,
(Signed) E. HAMMOND.

No. 110.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, *January* 24, 1866. (Received January 25.)

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 19th instant, touching the evidence furnished in my letter of the 28th of December, to certain facts connected with the cruise of the steamer Shenandoah.

Whatever may be the weight attached to that evidence in a court of law, I have no reason to presume that after the experience of preceding trials under the enlistment act, my government would desire to be understood as furnishing it in the expectation of such use. The present object is, if possible, to establish the truth, so far as it may be obtained from the best sources, and to place it on record in a permanent form.

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[1] No. 105.

Fully believing that this may prove of eminent use to a comprehension of the precise nature of the obligations of neutral nations hereafter, I shall be happy to receive myself, as well as to furnish to your lordship, any further elucidation of the actual facts attending this extraordinary case that may appear, and that without regard to the bearing which it may be supposed to have on any particular view of the questions thought to be involved.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 111.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *January* 29, 1866.

British government glad to co-operate in establishing the truth, and in whatever may render clear and practical the obligations of neutral nations.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, and in reply I beg to state that Her Majesty's government will gladly co-operate with you in establishing the truth, not only as regards the Shenandoah, but in whatever may tend to render clear and practical the obligations of neutral nations.

I am, &c.,
(Signed) CLARENDON.

No. 112.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *February* 1, 1866.

SIR: I am directed by the Earl of Clarendon to request that you will move Secretary Sir G. Grey to cause his lordship to be informed whether it has been found possible to take any steps against British subjects who, according to the list communicated by Mr. Adams, were serving on board the Shenandoah, in conformity with my letter of the 12th ultimo.

I am, &c.,
(Signed) E. HAMMOND.

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*No. 113.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *February* 2, 1866. (Received February 3.)

Inquiry made as to Temple's statement.

SIR: I have laid your letter of the 1st instant before Secretary Sir George Grey, and I am to transmit to you, for the information of the Earl of Clarendon, the inclosed copy of a letter which was addressed on the 15th ultimo to the solicitor to the treasury, instructing him to make inquiry as to the British subjects who, it is alleged, were serving on board the Shenandoah. Mr. Greenwood will be requested to report the result of the inquiry forthwith.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 113.]

Mr. Waddington to Mr. Greenwood.

[Immediate.]

HOME OFFICE, *January* 15, 1866.

SIR: I am directed by Secretary Sir George Grey to transmit to you a letter from the foreign office, and its inclosures, relative to an alleged breach of the foreign-enlistment act, on the part of persons forming part of the crew of the Shenandoah when she arrived at Liverpool; and I am to request that you will instruct your agent at Liverpool to ascertain if any of those men are still to be found there; and, if so, whether any of them or any other person, whether forming part of the crew or not, will corroborate the statement of the man named Temple.

I am, &c.,
(Signed) H. WADDINGTON.

No. 114.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *February* 7, 1866. (Received February 8.)

SIR: With reference to your letter of the 1st instant as to the Shenandoah, I am directed by Secretary Sir George Grey to transmit to you, for the information of the Earl of Clarendon, copies of two letters from Mr. Greenwood, the treasury solicitor, transmitting copies of letters from Mr. Hull.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 114.]

Mr. Greenwood to Mr. Waddington.

TREASURY, *February* 3, 1866.

Report of treasury solicitor.

SIR: Referring to your letter received this morning as to the Shenandoah, I beg to say that, in compliance with your letter of the 15th January, (received on the 16th,) I wrote fully on the same day to Mr. Bateson, at Liverpool, to make the necessary inquiries. On the 23d of January he wrote to me for authority to send for the officers of the vessel, who had, however, been already in communication with Messrs. Hull & Co., solicitors, who have acted throughout for the confederates, stating, at the same time, that he should have to approach them through Messrs. Hull, with whom it had been arranged that they should give no account of the ship or its doings.

I replied forthwith that Mr. Bateson ought to get all possible information from officers as well as men.

I have since received from him a letter, with copy of a letter from Messrs. Hull, relating to the same subject.

To save time, I inclose the original, and will thank you to return it to me eventually.

[710] *I have this morning received a note from Mr. Hull, now in London, but intending to leave it this afternoon, offering to call upon me.

I have begged him to postpone his call until I have communicated with you.

You will observe that, although Temple now represents himself as a native of Madras, Mr. Hull states that he offered himself for examination as a witness for the defendant on the trial of Queen against Corbett, describing himself as born at Charleston.

I am, &c.,
(Signed) JOHN GREENWOOD.

[Inclosure 2 in No. 114.]

Mr. Greenwood to Mr. Waddington.

TREASURY, *February* 5, 1866.

SIR: With reference to my letter of 3d February, I beg to add that on the same night I instructed Mr. Bateson to see both the men referred to by him, (by permission of Mr. Hull, if necessary,) and to get all the truth out of them that he could.

I told him also to receive what information Mr. Hull would afford him, but not to identify himself with him, or to ask his professional co-operation, as Mr. Hull has been engaged throughout for the confederates.

Mr. Hull, who left London on Saturday without seeing me, has forwarded to me to-day copies of three letters addressed by him to Mr. Bateson, throwing discredit as well upon the witness Temple as upon the statement of Mr. Marshall. I inclose copies.

Assuming the accuracy of these letters, very little hope could be entertained of a conviction upon a charge supported only by such witnesses.

I am, &c.,
(Signed) JOHN GREENWOOD.

[Inclosure 3 in No. 114.]

Mr. Hull to Mr. Bateson.

6 COOK STREET, *Liverpool, January* 30, 1866.

Denial of Mrs. Marshall.

DEAR BATESON: Messrs. Fraser, Trenholm & Co. instruct us to inform you that they never paid either Margaret Marshall or any other wife of any seaman of the Shenandoah a sixpence at any time.

Their name has no doubt been put into the mouth of an ignorant woman by the zealous detective who supplies information to the American consul.

Yours, truly,
(Signed) FRED. S. HULL.

[Inclosure 4 in No. 114.]

Mr. Hull to Mr. Bateson.

6 COOK STREET, *Liverpool, January* 30, 1866.

Offer of Temple to perjure himself at Corbett's trial.

MY DEAR BATESON: If Mr. Greenwood is desirous of obtaining information to enable Her Majesty's government to reply to the letter of Mr. Adams and the affidavit of Jones, *alias* Temple, so as to show that no vessels were destroyed by the Shenandoah after Captain Waddell received information of the termination of the war, I shall be glad to assist him in this object.

We advised Captain Waddell to treat his cruise as a thing of the past, and he has done so; but he is quite prepared to vindicate his character against the charge that he destroyed ships after he obtained information of the termination of the war.

As I named to you, Temple came to me and offered his evidence on the trial of Captain Corbett, but as he proposed to swear that he was born in Charleston, I declined to have anything to do with him. He spent all his money, and then went to an ex-detective named Thompson, who has an office in James street. I am told that Temple is hanging about Liverpool now, and I venture to suggest that you should see him yourself, and examine for yourself how this affidavit was got up.

Believe me, &c.,
(Signed) FRED. S. HULL.

[711] *[Inclosure 5 in No. 114.]

Mr. Hull to Mr. Bateson.

6 COOK STREET, *Liverpool, January* 26, 1866.

MY DEAR BATESON: From the little I have seen of Captain Waddell, I am satisfied that nothing would distress him more than to think that any respectable person should believe that he was guilty of destroying shipping after he was himself satisfied, or even entertained any reasonable doubt as to the termination of the war.

I am sure that, if Her Majesty's government want any information on this point, Captain Waddell will gladly give it either to Mr. Greenwood or to yourself.

As I named to you to-day, Temple, *alias* Jones, is a fellow utterly unworthy of belief; and I am sorry to see that Mr. Dudley should be the dupe of such an unprincipled young rascal.

As I told you to-day, he volunteered to come to me; and after telling me that he was born in Bombay,[1] he said he was prepared to swear that he was born in Charleston, never having been in America in his life. I therefore declined his services, and he forthwith transferred them to Mr. Thompson, ex-detective, and thence to Mr. Dudley.

Captain Waddell has burst a blood-vessel since he came to this country, and is now in a very precarious state of health.

I have not seen him for some months.

Believe me, &c.,
(Signed) FRED. S. HULL.

No. 115.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 7, 1866. (Received February 8.)

Report of Captain Paynter.

SIR: With reference to your letter of the 20th January last, with its inclosures from Mr. Adams, the United States minister at this court, alleging that British subjects were among the crew of the Shenandoah, I am commanded by my lords commissioners of the admiralty to send herewith, for the information of the Earl of Clarendon, a copy of a letter from Captain Paynter, of Her Majesty's ship Donegal, dated the 3d instant, with copies of its inclosures, reporting on this point.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 115.]

Captain Paynter to the secretary to the admiralty.

DONEGAL, *Rock Ferry, February* 3, 1866.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 22d January last, with its printed inclosures from Mr. Adams, United States minister, to the Earl of Clarendon, and, in reply, beg to state:

1st. That having received instructions from you dated the 6th November, 1865, to prevent the late confederate ship of war Shenandoah from coaling or leaving the port of Liverpool, I placed a guard of officers and men on board, and I took upon myself the responsibility of preventing Captain Waddell, the officers and men, from leaving the ship until I had your authority for so doing.

2d. For three days the Shenandoah laid at anchor in the waters of the Sloyne, and had there been the slightest desire on the part of any person at Liverpool during her detention to give evidence that any of her crew were British subjects, every facility would have been afforded by myself, the custom-house officers on board, and Lieutenant Cheek, the officer in charge of the Shenandoah; but neither from the American consulate, the police, customs authorities, or by magistrate's warrant, was any information forthcoming. If there had been, I should, of course, have supported the civil power.

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[1] Query, Madras.

3d. With reference to the discharge of the crew of the Shenandoah in compliance with your order of the 8th of November, 1865, I beg to refer you to my letter of the 9th November, and also to the letters which I herewith inclose from Lieutenant Cheek and the paymaster of this ship, dated the 26th January, 1866.

[712] *4th. On the subject of Mr. Adams's remark, that Temple's list will "set at rest the pretense of the officer sent on board, that there were no British subjects belonging to the vessel," I most courteously beg to say that to my knowledge the United States authorities had plenty of agents at their command in this port who could have arrested, under proper warrant, any person suspected of infringing the foreign-enlistment act on board the Shenandoah, while under my charge.

5th. As to the truthfulness or the falsehood of Temple's affidavit. I have obtained evidence that a young Indian, calling himself William A. Temple, did, one month after the crew of the Shenandoah had dispersed, sign before Mr. Thornley, public notary, an affidavit giving a list of the supposed crew, and that the solicitors employed (I presume on behalf of the United States consulate) were Messrs. Jevons and Riley, Castle street, Liverpool, Of course these professional gentlemen keep from me all information as to the inducements held out to this "very intelligent seaman," by which his testimony was obtained, but it appears by W. A. Temple's own statement:

First. That he must have told a deliberate falsehood as to his nationality when he passed round and stated to me that he was an American seaman.

Secondly. That he considers himself defrauded by the confederate authorities of £22 due to him for wages.

Thirdly. Mr. Woods, the landlord of No. 108 Saint James street, states no man of that name lodged at his house.

Fourthly. He admitted before Mr. Hanmer, manager of the Sailors' Home, that a considerable portion of his affidavit declared before Mr. Thornley was false.

Fifthly. That he was known to be receiving pay from parties getting up the case for the American Government.

Sixthly. And having acknowledged himself to be a British subject, willfully infringing the foreign-enlistment act, he can, I presume, be placed on his trial for so doing the witnesses being Mr. Thornley, notary public, the solicitors of the case, and Thomp, son, the police detective.

Under these circumstances, I am not prepared to place any great reliance on his oath or documents.

6th. From information which I have received, it would appear that a detective of the name of Thompson, in the inquiry office, Dale street, has been employed by the American consulate to hunt up evidence against some of the late crew of the Shenandoah, and he was required to use his utmost exertions that sufficient testimony should be forthcoming when wanted to enable the American Government to challenge our neutrality during the late civil war.

7th. It appears to me scarcely possible, while mustering out a crew, to decide upon the nationality or birthplace of most of the seamen frequenting this port. The enormous shipping trade with America, and the facility with which tickets of naturalization as American citizens can be obtained, secures absolute impunity in that respect, while the dress, style, and habits of the mongrel crews who man the vessels of this port are such complete disguises that I trust I may be pardoned if, as a British officer, accustomed during my whole period of service to the uniform and cleanly appearance of British men-of-war's men, if I could not pronounce on my own responsibility whether some of the dirty, drawling, ill-looking, grey-coated, big-bearded men, who passed before me as the crew of the Shenandoah, were British subjects or American citizens.

Finally, I beg to annex, as inclosures to this letter, the following documents:

The printed correspondence, &c., from Mr. Adams, United States minister;
A letter from Lieutenant Cheek, the officer in charge of the Shenandoah;
A letter from Mr. Warwick, paymaster of this ship;
A confidential communication from Mr. W. Cozens, of the police force; and
A copy of a statement from Samuel Mitchell, master-at-arms of this ship.

I have, &c.,
(Signed) J. A. PAYNTER.

[Inclosure 2 in No. 115.]

Lieutenant Cheek to Captain Painter.

GOSHAWK, *Rock Ferry, January* 26, 1865.

SIR: In compliance with your order calling on me to report the proceedings on board the Shenandoah during her detention at this port by the British authorities, I have the honor to inform you that, agreeably to instructions, dated 6th November, 1865, I

[713] *proceeded in Her Majesty's gun-boat Goshawk, under my command, and lashed her alongside the vessel.

In the evening Captain Waddell informed me that, the vessel having been taken charge of by the custom-house authorities, he considered himself, the officers, and crew relieved from all further charge and responsibility of the ship, and that his authority over the crew would also end.

The following day (November 7) the crew requested that I would allow them to land, none of them having been on shore for more than nine months. I told them that under the circumstances it was not in my power to grant it, and persuaded them to remain quiet for a day or two, till orders could be received from London.

They then demanded to see my authority for detaining them. I explained that I acted under orders from you. They replied that you could have no charge of them without instructions from Earl Russell, the foreign office, or the American minister, as they were American subjects.

This evening, as on the previous one, I succeeded in pacifying the crew by reasoning with them.

On the following morning (8th November) the crew were getting riotous, and determined to remain on board no longer. Eight or ten had already deserted. I therefore, in a letter to you, explained the excited state the crew were in, and that I had heard from one or two of their officers their determination to leave the vessel that evening at all risks. I should, therefore, be compelled to let them escape, or else detain them by force.

The answer I received from you was, that I was to act up to your orders, and the crew were to remain on board, but that you hoped soon to have instructions from London.

I would call your attention to the excited state of the crew by their conduct in attempting to desert, many of them jumping on board the steamer and trying to conceal themselves when you came to muster and examine them; on which occasion I accompanied you into the cabin and heard you question Captain Waddell as to whether he believed any of his crew to be British subjects; he replied in the negative, and stated that he had shipped them all at sea.

On your questioning the officers, they also made the same statement.

The first lieutenant mustered the crew from a book of his own, the only list found on board, and you stopped and questioned the men as they passed before you.

Each one stated that he belonged to one or other of the States of America.

The personal baggage of the officers and crew was examined by the custom-house officers to prevent any American property being taken on shore.

On the evening of the 9th November you again came on board the Shenandoah and met the American consul in the cabin of a tug he had hired to bring him alongside; he then promised to send an officer to take charge of her, as a captured confederate cruiser, on behalf of the American Government.

On the 10th November Captain Freeman came on board and took charge, under orders from the American consul, and, in compliance with your memorandum, I handed the vessel and stores over to him.

On my leaving the Shenandoah, Captain Freeman hoisted the American ensign and pendant, and proclaimed her a man-of-war.

During the time I was on board I received no information, nor could I obtain any evidence that any of the crew were British subjects; had I done so I should have arrested them, and immediately communicated with you for further instructions.

I have, &c.,
(Signed) ALF. CHEEK.

[Inclosure 3 in No. 115.]

Mr. Warwick to Captain Paynter.

DONEGAL, *Rock Ferry, January* 24, 1866.

SIR: In compliance with your orders to report what I witnessed and heard on the occasion of the mustering of the crew of the Shenandoah, late confederate cruiser, on the evening of the 8th November last, I beg leave to state that I accompanied you on board that vessel to assist in endeavoring to ascertain whether any of the crew were British subjects, and to take notes and examine evidence in the event of information of having infringed the foreign-enlistment act being against any individuals.

Report of Paymaster Warwick.

[714] * On proceeding alongside the Shenandoah in the ferry-steamer, a number of the crew swarmed on board by the hawsers, but were persuaded by you to return to their ship.

I followed you into Captain Waddell's cabin, and heard you ask him, on his word of honor, whether he was aware of any British subjects forming part of his crew; he assured you that he was not, neither did he believe there were any among them, and that they had all been shipped on the high seas; you then came out into the officers' mess place, called them around, and asked if they were British subjects; they replied they were not, nor did they think any of the crew were.

At your request Captain Waddell directed the senior lieutenant to muster the crew, which he did from a book resembling a watch-bill, and said to be the only muster-roll on board. Each man, as he passed across the deck, was carefully scrutinized, and asked what countryman he was. Most of them stated that they came from one or other of the Southern States, some were Sandwich Islanders, and a few Portuguese; but none acknowledged to being British, and, judging from their appearance and dress, I did not think they were.

It was impossible, in the absence of any satisfactory proof, to have determined who were British subjects and who Americans, they were all so much alike, and the only means of ascertaining were those adopted by you, viz, questioning each individual as he passed at muster.

No information whatever was lodged against any one during the time we were on board Shenandoah.

The crew appeared to me to be in a very excited state at having been detained on board for three days without any reason having been assigned or authority shown them for so doing; and I have no doubt that any further detention would have resulted in a serious riot.

I have, &c.,
(Signed) ROBERT W. WARWICK,
Paymaster.

[Inclosure 4 in No. 115.]

Report by William Cozens, detective officer.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
January 29, 1866.

Report of Detective Cozens.

Detective officer William Cozens most respectfully begs leave to report, for the information of Mr. Superintendent Kelloe, in reference to the communication of Captain Paynter, of Her Majesty's ship Donegal, that, in company with Mr. Mitchell, master-at-arms on board of the said ship, he has made a most particular inquiry respecting the affidavit of W. A. Temple, in reference to the late privateer Sea King, or Shenandoah. It appears Temple is not now staying at 20 Kent Square, although several of the crew of the Shenandoah did recently lodge there, but have gone to sea in the Turkish ram.

Temple's admission that a considerable portion of his statement was false.

Since swearing to his affidavit before Mr. Thornley, Temple has made a further statement before Messrs. Bateson, Robinson & Morris, solicitors to government; and it further appears, from the statement of Mr. Thomas Hanmer, manager at the Sailors' Home, that Temple has admitted that a considerable portion of his affidavit before Mr. Thornley was false. Since Temple's arrival at this port, he has twice lodged at the Sailors' Home in the name of William Jones, and a few days ago he shipped as able seaman on board the ship Radnagore, (Captain Benjamin R. Cook,) belonging to Messrs. Cotesworth, Lynet & Co., of Towers buildings, and which is expected to sail to-morrow morning for Madras. Mr. Hanmer holds an advance note for £3 10*s.* in favor of Temple, *alias* Jones The parents of Temple reside at Madras, and he himself appears to have been respectably brought up.

Mr. Thompson has been employed for a considerable time by the American consul to collect information for that Government, and it is strongly believed that for some time Temple has received pay from the American consul.

At present I do not think it desirable to see Thompson on the matter, as Messrs. Bateson & Co. are collecting information, and are anxious to have the matter kept quiet.

The late boatswain is now staying at No. 5 Kent Square, and he declares that there was no person of the name of Temple on board of the Shenandoah.

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[715] *[Inclosure 5 in No. 115.]

Statement of Samuel Mitchell.

Statement of S. Mitchell.

Mrs. Marshall, of 29 Benlidi street, near Kirkdale, states that about two months ago she was taken to a private house and compelled to sign a paper about her half-pay here, it being represented that if she did not answer all questions she would lose her money, and her husband be likely imprisoned.

She had 6*s.* allowed her for cab-hire. Thompson, the officer of the private inquiry office, went for her.

James A. Temple, ordinary, is at present at 20 Kent Square; he has been paid 5*s.* per day; been brought before American consul here and also in London; he is about 19, and believed to be a Bengalee.

No. 108 St. James street is kept by a person named Wood, called the Red Lion Inn. He states that J. A. Temple, to his belief, has never been at his house.

Messrs. Fraser, Trenholm & Co. are ship-owners; they chartered the Sea King.

Mr. Robinson paid all half-pay notes at the office, but entirely as a business transaction.

(Signed) SAML. MITCHELL.

JANUARY 30, 1866.

No. 116.

Mr. Waddington to Mr. Hammond.

[Pressing.]

WHITEHALL, *February* 16, 1866. (Received February 16.)

Insufficiency of evidence for prosecutions.

SIR: With reference to your letter of the 1st instant, I am directed by Secretary Sir George Grey to transmit to you a copy of a letter which has been received by the solicitor to the treasury from his agent at Liverpool, asking for instructions whether he is to seek for evidence to fix any of the officers of the Shenandoah with an offense against the foreign-enlistment act, and at the same time stating that he considers that it will be almost impossible to obtain such evidence; and that, as to the common sailors and firemen, it will be most difficult to get any evidence of nationality; and I am to request that you will lay the same before the Earl of Clarendon, and move his lordship to favor Sir George Grey with his opinion, at his earliest convenience, as to the answer to be given to this letter.

I am, &c.,

(Signed) H. WADDINGTON.

[Inclosure in No. 116.]

Mr. Bateson to Mr. Greenwood.

I should like to have instructions whether I am to seek for evidence on which to fix any of the officers of the Shenandoah with punishment for offending against the foreign-enlistment act. I consider that it will be almost impossible to do so; but still, if it is the wish of the government, I will do my utmost in the matter.

As to the common sailors and firemen, it will be most difficult to get any evidence of nationality.

Yours, &c.,

(Signed) WILLIAM G. BATESON.

No. 117.

Mr. Layard to Mr. Waddington.

[Pressing.]

FOREIGN OFFICE, *February* 17, 1866.

SIR: I have laid before the Earl of Clarendon your letter of the 16th instant, inclosing an extract of a letter which the solicitor to the [716] treasury has received from his agent *at Liverpool, asking for instructions as to whether he is to seek for evidence to fix any of the officers and crew of the Shenandoah with an offense against the foreign-enlistment act.

I am, in reply, to request that you will state to Secretary Sir G. Grey that Lord Clarendon thinks it very desirable that such evidence should be collected, if possible, against the officers as well as the crew of the Shenandoah, and that his lordship is also desirous that further evidence should be obtained as to Temple, to prove that no reliance can be placed upon his testimony, and that he is altogether an untrustworthy witness.

Further inquiry to be made.

I am, &c.,
(Signed) A. H. LAYARD.

No. 118.

Sir F. Bruce to the Earl of Clarendon.

WASHINGTON, *February* 10, 1866. (Received February 26.)

MY LORD: In obedience to your lordship's instructions, I read and handed a copy to Mr. Seward of your lordship's dispatch of the 19th ultimo, in reply to Mr. Seward's note on the Shenandoah.

United States Government consider further discussion postponed.

I have the honor to inclose a copy of the note Mr. Seward addressed to me in reply acknowledging the receipt of the document.

I have, &c.,
(Signed) FREDERICK W. A. BRUCE.

[Inclosure in No. 118.]

Mr. Seward to Sir F. Bruce.

DEPARTMENT OF STATE,
Washington, February 9, 1866.

SIR: I have submitted to the President of the United States the copy of the paper which you read to me yesterday, and which was a dispatch concerning the Shenandoah, which was addressed on the 19th instant by Lord Clarendon to you. I have the honor to say, in reference to the matters therein discussed, that the views which Lord Clarendon has expressed have not been effectual in changing the conviction which this Government has already announced thereupon. It has been the purpose of this Government to withdraw from correspondence concerning the class of cases to which the Shenandoah belongs. We have understood the British government as having adopted the conclusion that further discussion at the present time would be unprofitable. We have not the least objection, however, to the addition of Lord Clarendon's present explanation to the record.

I have, &c.,
(Signed) WILLIAM H. SEWARD.

No. 119.

Mr. Baring to Mr. Layard.

[Pressing.]

WHITEHALL, *March* 16, 1866. (Received March 17.)

SIR: With reference to your letter of the 17th ultimo, I am directed by Secretary Sir George Grey to transmit to you, for the information of the Earl of Clarendon, a copy of a letter which has been received from Mr. Greenwood, the solicitor to the treasury, on the subject of the Shenandoah, inquiring whether instructions should be given to his agent at Liverpool to employ the police to trace any of the officers and men of that vessel; and I am to request that you will move his lordship to favor Sir George Grey with his opinion as to the answer to be given to that letter.

I am, &c.,
(Signed) T. G. BARING.

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[717] *[Inclosure 1 in No. 119.]

Mr. Greenwood to Mr. Waddington.

TREASURY, *March* 12, 1866.

SIR: In compliance with your letters of the 15th January and 17th February, 1866, I have been in communication, by letter and personally, with Mr. Bateson, of Liverpool, on the subject of the Shenandoah, and have, to-day, received a letter from him, dated the 10th of March, of which the following is a copy:

Further inquiries made.

"CASTLE CHAMBERS, 26 CASTLE STREET,
"*Liverpool, March* 10, 1866.

"DEAR SIR: I have made what inquiries I could into this case, and now send you—

"1. Copy of my letter to Mr. Hull, and his reply.

"2. Copy of my letter to the manager of the Sailors' Home, and his reply.

"3. Copy of statement of the manager of the Sailors' Home.

"4. Copy of statement of Robert Rosel, a boy on board the Shenandoah. (He is now at sea.)

"It seems to me that there would be no chance of obtaining any conviction on the unsupported evidence of Temple; and I think also that the best proof that the Susan Abigail did not know that the war was over, will be found in the evidence of Temple, viz, that three men at least (viz, John Kelly, Alexander Pattison, and Thomas Barry) joined the Shenandoah from that vessel, and it is absurd to suppose that they would have done so if they knew the war was over.

"I should be glad to know if you wish me to employ the police to trace any of the officers or men. I have seen two of the seamen, viz, Marshall and William Crawford, gunner's mate; they said they were both Americans. They told me they never fired a shot from the 12-pounders, and never used the shotted guns, except when the confederate flag was flying. I told these men I should not take any steps against them.

"I informed the vice-consul for the United States of America that I was making inquiries, and he said he would send me the address of one of the crew, who was in Liverpool, but he has not done so. Shall I make any formal application to the consul?

"Yours, truly,
(Signed) "WILLIAM G. BATESON.

"JOHN GREENWOOD, Esq.,
"*Treasury, London.*"

The documents forwarded by Mr. Bateson are inclosed herewith.

If Sir George Grey should think it worth while to send me instructions upon the questions asked in Mr. Bateson's letter, I will take care that the necessary steps shall be taken forthwith.

I am, &c.,
(Signed) JOHN GREENWOOD.

[Inclosure 2 in No. 119.]

Mr. Bateson to Mr. Hull.

26 CASTLE STREET, LIVERPOOL,
February 22, 1866.

DEAR SIR: I have been desired by the solicitors to Her Majesty's treasury to make inquiries as to the truth of the statements made by a man named Temple, who was one of the crew of the Shenandoah. I inclose you copy of the affidavit of Temple.

As some of the statements made by Temple, if true, affect the character of Captain Waddell, I am instructed to give him this opportunity of replying to them if, under your advice, he should think proper to do so.

I am, &c.,
(Signed) WILLIAM G. BATESON.

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[718] [Inclosure 3 in No. 119.]

Mr. Hull to Mr. Bateson.

6 COOK STREET, LIVERPOOL,
February 28, 1866.

DEAR SIR: I have laid before Captain Waddell your letter of the 22d instant, and the letters and affidavit which accompanied it, and he desires, through me, to offer the following observations upon these documents:

Statement of Mr. Hull on behalf of Captain Waddell.

Mr. Adams founds, on the affidavit of Temple, three grounds of complaint, which may be briefly alluded to as follows:

1st. That the vessel was armed when she left London.

2d. That Captain Waddell continued to destroy American shipping after he was made aware that the war had ended.

3d. That the vessel was mainly manned by British subjects.

We deal with the last charge first.

Captain Waddell assures us that he never enlisted any seamen at any British port, or within the jurisdiction of Her Majesty's government. He never asked any seaman what his nationality was, and had no knowledge whatever on the subject.

With respect to the second charge, Captain Waddell states that, on the 23d of June, he captured a vessel called the Susan Abigail, which vessel had sailed from San Francisco about the 20th of April, on a trading voyage to the Arctic seas. She had newspapers on board which contained the news of the surrender of General Lee, and also an address by President Davis to the southern people, issued from Danville, stating that the war would be carried on with renewed vigor.

Captain Waddell states that he did not destroy any vessels after the 28th of June, and that he did not obtain any information of the actual termination of the war, until he fell in with the Barracouta, on the 2d of August, when he at once disarmed his ship. Temple is a very young man, under twenty. He shipped as an ordinary seaman, and was at first employed as boy to wait on the officers in the steerage. He was disrated from this office and put to duty on deck.

His affidavit contains a certain amount of immaterial truths mixed with errors, and also every now and again a deliberate false statement. To several of these statements Captain Waddell offers the following observations: He says that he called on the governor at his official residence, but did not see him, and the governor never returned the call, nor took any notice of him, nor did Captain Waddell ever speak to him, either officially or privately. Captain Waddell did not entertain any of the officials at Melbourne. It is not true that the government engineer rendered any personal assistance or advice; the inspection he made was under the orders of his own government, as shown in the official correspondence. It is not true that the name of the Sea King was painted out before Captain Waddell took possession of her. It was not painted out until she had been a week or more in his possession. It is not true that the Shenandoah cruised for a month off the island of Japan. It is not true that the vessel had on board two 18-pounders. It is not true that money and jewelry, and other valuables, were taken from the officers and crews of the captured vessels, or that he put the captured crews in irons, in order to induce them to enlist. It is not true that Captain Waddell sent some of the marines among the men to tell them that they were all to be southerners when their names were called over before Captain Paynter. There are numerous other false statements in the affidavit of Temple, which Captain Waddell deems it to be unnecessary to answer; but he denies the above, partly, because some of them, if true, would affect his personal character as a gentleman, and the others he denies, because they are capable of being disproved by other evidence within the reach of Her Majesty's government, and will show how utterly unworthy of belief this young man Temple is.

Captain Waddell delivered up the Shenandoah to Her Majesty's government, and Her Majesty's government handed her over to Mr. Dudley. Mr. Dudley had it in his own power, therefore, to ascertain the fact that there were no 18-pounders on board the ship. When the vessel was handed over to Captain Waddell at Madeira, she had two signal-guns, which we understand were put on board her by the orders of Her Majesty's government, when on her previous voyage she had carried troops for Her Majesty's government. Her Majesty's government have, therefore, the means of testing the correctness of this story.

With respect to Temple, I may myself add that, unsolicited, he called on me on the 24th of November last, and tendered his evidence on behalf of Captain Corbett. I asked him where he was born, and he said at Madras. I asked him when and where he had enlisted into the Shenandoah, and he said at Madeira. I then told him [719] I could not, *with propriety, accept his evidence, as it would compromise himself, as he was a British subject at the time of his enlistment. He then said he was prepared to swear he was born at Charleston, and I declined to have anything to do with him.

I am, &c.,
(Signed) FRED. S. HULL.

[Inclosure 4 in No. 119.]

Mr. Bateson to Mr. Hanmer.

SHENANDOAH.

LIVERPOOL, *March* 1, 1866.

DEAR SIR: I annex you a list of persons said to be officers on board this ship, and to be British subjects. Will you please to ascertain whether any of them are now in Liverpool, and, if you can, whether reliable evidence can be obtained that they are British subjects.

Yours, truly,
(Signed) WILLIAM G. BATESON.

[Inclosure 5 in No. 119.]

Mr. Hanmer to Mr. Bateson.

SAILORS' HOME, LIVERPOOL, *March* 5, 1866.

Statement of Mr. Hanmer.

DEAR SIR: In reply to your letter of 1st instant, I beg to say I have endeavored to discover the whereabouts of the men named in your list, late of the Shenandoah, but without success. I believe none of them are in Liverpool. A man named Charles Horton, late of the said vessel, is now, I find, in the Royal Infirmary, seriously ill. He doubtless is an American. He can give me no information other than that he met some of them in London and others in Plymouth about six weeks ago. The boy Russell, or Rousel, is now gone.

I am, &c.,
(Signed) THOMAS HANMER, *Secretary.*

[Inclosure 6 in No. 119.]

Statement of Mr. Thomas Hanmer.

Thomas Hanmer, manager of the Sailors' Home, in Liverpool, states:

I remember the day when the seamen of the Shenandoah came to the Sailors' Home. It was reported to me by Mr. Clarke, the "booker," that a large body of men had come in, and he suspected they were from the Shenandoah, although they had given the name of another ship, the Waverley. I at once went into the general hall of the home and spoke to a man among the sailors whom I recognized as having been at the home before, although I did not remember his name. (His name, I afterward discovered, was Wiggins.) I asked him right out whether they did not belong to the Shenandoah. He replied, "We have given the name of our ship." I told him that I doubted whether the name he had given was the correct one, to which he answered loudly, so that all the men would hear, "Any man that answers questions ought to have his tongue torn from his mouth," or words to that effect. I said to him that he ought to have given the right name of the ship, because it was doubtful whether I ought to have taken them in. The reason I felt the doubt was because there were many northern American sailors in the home, and I was afraid of a row among them. The home is open to sailors of all nations. None of the men admitted to me that they came from the Shenandoah, but I felt no doubt upon the subject. The next day, or perhaps it might be the day after, Wiggins came to me and asked me if he could have a private room in which he could give the men some money. I replied that he could not; that I could not allow him a private room. In the afternoon of the same day it was reported to me that Wiggins had been giving the men money in the first gallery. I did not speak to him about it, as it did not appear to me that I had any right to interfere. When the men left the home they, for the most part, paid their accounts in American money.

The Sailors' Home in Liverpool is not a government institution. It was [720] originally *built by voluntary contribution, to afford better accommodation for seamen of all nations frequenting the port, and it is in the nature of a large hotel for seamen, of which I am the manager and secretary, under the supervision of a committee of merchants and ship-owners of the port.

[Inclosure 7 in No. 119.]

Statement of Robert Rosel.

Robert Rosel, a boy of fifteen years of age, belonging to Payta, Peru, states:

Statement of R. Rosel.

I was a boy on board the whaler Hector, which was burned at the Sandwich Islands by the Shenandoah. I was put ashore out of the Hector, but, hearing that five of our men were going to join her, I asked to go with them; and I went on board of her and was rated as a cabin-boy.

I never heard anything of the war being over until we fell in with an iron ship which hoisted the English colors. I remember that Captain Waddell asked where they bound from, and the answer was San Francisco. Captain Waddell asked what was the news, and the answer was that they had some newspapers which they would give us if we sent a boat. A boat was sent, manned by Master Bullock and a crew, and she brought back some papers. Some of these being "Dutch" papers were sent forward for the foreigners in the crew, and they read in them that the war was over. I do not remember the name of the ship, but she was bound to England.

The next morning Captain Waddell called the men aft and told them that the war was over, and that he intended to take the ship straight to an English port, and that he would take care of the men and do the best he could for them.

After this we put all the large guns in the hold, on the coals, and never chased or attacked any vessel.

Before we landed from the ship, on our arrival in Liverpool, I received $9, some in American money and a half-sovereign in English money.

I received £8 from Wiggins at the Sailors' Home, all in English money.

I think that Wiggins has gone to London.

I am now on board a steamer which is bound for Bombay.

No. 120.

The law-officers of the Crown to the Earl of Clarendon.

LINCOLN'S INN, *March* 28, 1866. (Received March 29.)

Opinion of law-officers. Temple's statements unworthy of credit.

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of the 19th March instant, stating that, with reference to our report of the 14th ultimo, respecting the case of the Shenandoah, he was directed by your lordship to transmit to us, together with the previous papers, a further correspondence between the foreign office and the home office,[1] respecting the possibility of obtaining evidence against the officers and crew of that vessel, and also with regard to the trustworthiness of Temple's testimony; and to request that we would take these papers into our consideration and favor your lordship with such observations as we might have to offer thereupon.

In obedience with your lordship's commands we have taken these papers into our consideration, and have the honor to report—

That, in our former reports on this subject, we sufficiently intimated our opinion of the untrustworthy character of Temple's evidence; and as so long a period has passed by without any confirmation being obtained of those parts of his statement which tended to show that offenses triable by the laws of this country might have been committed by persons on board the Shenandoah, and as the correspondence with the home office leads to the conclusion that none such is likely to be obtained, we are of opinion that, so far as any further inquiries at Liverpool are concerned, the matter may now properly be allowed to drop.

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[1] Nos. 105, 114, 115, 116, 117, and 119.

The proposal of Temple to give willfully false evidence in the case of Captain Corbett would alone be sufficient to render his statement entirely unworthy of credit; and many other circumstances (some of [721] which are apparent on the face of his deposition itself) tend *to show its untruth. Into these, however, we do not think it necessary now to enter; but it is satisfactory to find that Captain Waddell's statement, that no captures were made by the Shenandoah after the news of the termination of the war reached those on board her, is confirmed by the evidence of the boy Rosel, which seems to us to be well entitled to credit.

We have, &c.,

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 121.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *March* 31, 1866.

Prosecutions abandoned.

SIR: I am directed by the Earl of Clarendon to transmit to you, to be laid before Sir G. Grey, a copy of a report from the law-officers of the Crown,[1] to whom his lordship referred your letter of the 16th of March, and its inclosures, containing the result of the further inquiries instituted at Liverpool in the case of the Shenandoah; and I am to request that you will state to Sir G. Grey that Lord Clarendon concurs in the propriety of the opinion expressed by the law-officers, that so far as any further inquiries at Liverpool are concerned, the matter may now properly be allowed to drop.

I am, &c.,

(Signed) E. HAMMOND.

No. 122.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, *May* 23, 1866. (Received May 23.)

Report of governor of Victoria on Temple's statement.

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the information of the Earl of Clarendon, and in reply to your letter of the 12th January, a copy of a dispatch from the governor of Victoria, furnishing an explanation of the proceedings of the authorities at Melbourne in respect to the officers and crew of the Shenandoah.

I am, &c.,

(Signed) T. FRED'K ELLIOT.

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[1] No. 120.

[Inclosure in No. 122.]

Governor Sir C. H. Darling to Mr. Cardwell

GOVERNMENT HOUSE, *Melbourne, March* 21, 1866.

SIR: I have the honor to inform you, in reply to your dispatch of the 20th January, that I saw the officer commanding the Shenandoah upon only one occasion. That occasion was the celebration of divine service in the church which I attend habitually.

2. I did not know who the stranger was until I received information upon the subject after the conclusion of the service. He called to pay his respects to me at my office in Melbourne. I had not arrived at the office, and he left his card. He did not repeat his visit, and I have never exchanged a syllable orally with that gentleman. After this statement, I need scarcely say that I was not entertained either publicly or privately by him on board his vessel, and that he was not entertained in any way by me. I am certain that none of my ministers either offered to or received from him any attention.

3. Captain Waddell and his officers were, I am aware, entertained at a dinner party at the Melbourne Club. This dinner was not given by the club, but by certain members of that association. I believe that some persons in the service of the civil government were among the hosts on this occasion. The entertainment was, however, a private one, but I have no doubt I can ascertain the names of those connected with the government who were present, if you desire to possess such information.

4. Some of the officers of the Shenandoah proceeded to Ballarat, I believe, upon invitation to attend a subscription ball. They were most enthusiastically received at that place, as they were by the commercial body of Melbourne generally. The [722] gentleman *whose name is represented by a blank in Mr. Temple's statement was, no doubt, Mr. Maguire, a southern citizen, who had been the American consul in Melbourne.

5. If any functionary answering to the description of the English government engineer visited the Shenandoah, I am sure that it was for the purpose of inspecting the progress of the work, and informing the government of the prospect of being relieved of the presence of the vessel.

6. It is quite possible, of course, that he made suggestions by which he thought that this object would be more speedily accomplished, but my impression is that the person alluded to is the engineer or shipwright who was employed by Captain Waddell under the permission to repair which he received from me.

7. Having expressed to you in my dispatches, to which you refer, my belief that Captain Waddell had, notwithstanding his honorable protestations, flagrantly violated the neutrality he was bound to observe in respect to the shipment of British citizens to serve on board his vessel, I have read without surprise, though with deep regret, the long list of names furnished by Mr. Temple, which completely proves that this belief was justly founded.

I have, &c.,
(Signed) C. H. DARLING.

No. 123.

The Earl of Clarendon to Mr. Adams.

FOREIGN OFFICE, *June* 6, 1866.

Mr. Adams informed of result of inquiries into Temple's statements.

SIR: In my letter of the 19th January, replying to yours of the 28th December, on the subject of the Shenandoah, I had the honor to inform you that inquiries should be made into the conduct of the authorities at Melbourne during the time that that vessel remained at Melbourne, and that prosecutions should be instituted, under the foreign-enlistment act, against any British subjects who might be proved by trustworthy testimony to have taken service in that vessel; and I have now the honor to communicate to you the result of the action taken by Her Majesty's government in this matter.

The statements in the letter from the United States consul at Liverpool, which was inclosed in your letter, were founded mainly upon the affidavit of a man named William A. Temple, described by the consul as being a very intelligent seaman, and also upon a statement made by a woman named Margaret Marshall, who swears that during her husband's cruise in the Shenandoah, she regularly received an allowance which was paid to her by Messrs. Fraser, Trenholm & Co., of Liverpool. In Temple's affidavit he dwells, among other things, upon the civilities exchanged and the intimacy maintained between the governor and officials of Melbourne and the captain and officers of the Shenandoah, and upon the advice and assistance given by the government engineer at Melbourne in the repairs effected while the Shenandoah remained in that port.

These statements were summarized in your letter under three general heads:

1. That the Shenandoah had left this country armed with all the means she ever had occasion to use against the commerce of the United States, that is to say, with the two 18-pounders which Temple swore were mounted upon her decks when she sailed from London, and which, according to him, were the principal guns used during the whole cruise.
2. That Captain Waddell had been made fully aware of the suppression of the rebellion the very day before he destroyed a number of United States vessels in the sea of Okhotsk; and,
3. That the list of the crew as furnished by Temple effectually set at rest the pretense of Captain Paynter, of Her Majesty's ship Donegal, that there were no British subjects on board the Shenandoah.

Taking Mrs. Marshall's affidavit first, I have the honor to state to you that Messrs. Fraser, Trenholm & Co. declare the above statement to be untrue, and that they never paid any money to her, or to the wife of any other seaman of the Shenandoah. I have the honor to inclose a copy of a letter on this point from Mr. F. S. Hull, of Liverpool.

Passing on to the affidavit of Temple, I have the honor to call your attention to the annexed copies of two further letters from Mr. F. S. Hull, in which, by direction of Captain Waddell, he refutes the charge made against that officer of having destroyed United States vessels after he knew the war was over. It is no part of the duty of Her Majesty's government to defend Captain Waddell's character, but as the charge was set forth in a letter which I had the honor to receive [723] from you, I think it right to place you in posses*sion of the answer which he has made to that charge, the more especially as you will learn from Mr. Hull's letters that the man Temple, before offering himself to the United States consul as a witness, had already volunteered his services to Mr. Hull, and that though Temple knew he was born in Madras, and had never been in America, he nevertheless offered to swear that he was born at Charleston. Under these circumstances Mr. Hull refused to have anything to do with Temple, who thereupon transferred his services to the United States consulate.

Under all the circumstances connected with this man, as above explained, and as they appear in the papers which accompany this letter, Her Majesty's government consider that they are justified in regarding him and his affidavit as unworthy of credit.

I next proceed to notice the statement about the two 18-pounders, for the purpose of saying that Her Majesty's government have every reason to believe that that statement is not true, and I beg leave on this point to refer you to Mr. Hull's letter of the 28th of February, in which it is explained that the two guns which were mounted on the Shenandoah when she left the river were two signal-guns.

The next point is, the conduct of Mr. Paynter, of Her Majesty's ship Donegal, and I shall leave it to that officer to explain in his own language the circumstances of the case, and the course which he pursued with regard to the crew of the Shenandoah.* Annexed you will find full extracts from the report on the subject made by that officer to Her Majesty's government.

I shall equally allow the governor of Victoria to speak for himself with regard to the alleged intimacy between him and the government officials at Melbourne and the captain and officers of the Shenandoah, and also as to the aid and assistance stated to have been rendered to that ship by the government engineer at Melbourne, and I therefore annex a copy of the governor's report upon this subject, feeling assured that it will be accepted by your Government as satisfactory.

It only remains for me to add, as regards the propriety of prosecuting under the foreign-enlistment act any British subjects who might be proved to have taken service in the Shenandoah, that her Majesty's government were advised that it would be quite impossible, with any prospect of success, to institute a prosecution upon the uncorroborated evidence of Temple, and that the efforts to procure other testimony of such a character as would justify Her Majesty's government in proceeding upon it have been unavailing.

I am, &c.,
(Signed) CLARENDON.

[Inclosure 1 in No. 123.]

Mr. Hull to Mr. Bateson, January 30, 1866.

[See inclosure 3 in No. 114.]

[Inclosure 2 in No. 123.]

Mr. Hull to Mr. Bateson, January 26, 1866.

[See inclosure 5 in No. 114.]

[Inclosure 3 in No. 123.]

Mr. Hull to Mr. Bateson, February 28, 1866.

[See inclosure 3 in No. 119.]

[Inclosure 4 in No. 123.]

Captain Paynter to the secretary to the admiralty, February 3, 1866.

[See inclosure 1 in No. 115.]

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[724] *[Inclosure 5 in No. 123.]

Lieutenant Cheek to Captain Paynter, January 26, 1863.

[See inclosure 2 in No. 115.]

[Inclosure 6 in No. 123.]

Mr. Warwick to Captain Paynter, January 24, 1866.

[See inclosure 3 in No. 115.]

[Inclosure 7 in No. 123.]

Governor Sir C. Darling to Mr. Cardwell, March 21, 1866.

[See inclosure in No. 122.]

No. 124.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, June 7, 1866. (Received June 9.)

Mr. Adams's reply. Copies forwarded to the United States Government.

MY LORD: I have had the honor to receive your note of the 6th instant, together with the papers to which it refers, touching certain points raised in the course of the cruise of the vessel known as the Shenandoah.

I have read the evidence thus presented with great care, but I regret to say without materially changing my conviction of the substantial correctness of the propositions which it became my painful duty to advance. The attempt to break down the character of the principal witness, Temple, appears to be more successful than the invalidation of the chief facts stated by him, corroborated as they are by much incidental testimony which has since that time come to my knowledge. But as it seems to me likely to serve no useful purpose to either of the two governments or nations to prosecute investigations into these painful details of a most unfortunate period to their harmonious relations, I shall pray your lordship's permission to transmit, without further comment, copies of these papers to my Government, which will, I doubt not, give to them the respectful consideration due to the source from which they immediately come.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 125.

Messrs. Robertson & Co. to Mr. Hammond.

5 NEWMAN'S COURT, E. C.,
November 15, 1871. (Received November 15.)

SIR: Referring to your letter of yesterday's date, requesting particulars of the screw-steamer Sea King, we beg to inform you that she was built for and designed solely for a merchant steamer.

The object the owners had in view was to have a vessel that could bring home the new teas from China quicker than the very fast clipper-ships of the day.

She made one voyage to China, via New Zealand, outwards, conveying some of Her Majesty's troops to that colony, and brought home from Hankow the first of the new season's teas of 1864, beating the clipper-ships, as anticipated, and would have been continued in the trade had she not been sold.

[725] * Regarding the sale of the steamer by her owners, she passed into the hands of Mr. Richard Wright, of Liverpool, ship-owner, under the usual bill of sale registered at the custom-house.

When fitted out by us, and when sold to Mr. Wright, she had only two 12-pounder smooth-bore iron guns on board, intended only for signal-guns or other uses common to merchant vessels.

We are, &c.,
(Signed) ROBERTSON & CO.

Since completing the foregoing we have received the following particulars of the guns on board from the firm who supplied them: Say, two 12-pounder carronades, 5 feet 3 inches long, 12 cwt. each, bore about 4 inches diameter.

R. & CO.

END VOL. I.